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# FEDERAL REGISTER

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Washington, Tuesday, August 26, 1947

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 9887

**DESIGNATING PUBLIC INTERNATIONAL ORGANIZATIONS ENTITLED TO ENJOY CERTAIN PRIVILEGES, EXEMPTIONS, AND IMMUNITIES**

By virtue of the authority vested in me by section 1 of the International Organizations Immunities Act, approved December 29, 1945 (59 Stat. 669), and having found that the United States participates in the Preparatory Commission for the International Refugee Organization under the authority of section 5 of Public Law 146, 80th Congress, 1st Session, and that section 1 of that Act authorizes me to accept membership for the United States in the International Refugee Organization, which membership I have duly accepted, I hereby designate the Preparatory Commission for the International Refugee Organization and its successor, the International Refugee Organization, as public international organizations entitled to enjoy the privileges, exemptions, and immunities conferred by the said Act.

The designation of the above-named organizations as public international organizations within the meaning of the said International Organizations Immunities Act is not intended to abridge in any respect privileges and immunities which such organizations may have acquired or may acquire by treaty or Congressional action.

This order shall become effective immediately as to the Preparatory Commission for the International Refugee Organization, and shall become effective as to the International Refugee Organization on the date that organization comes into existence in accordance with the terms of its Constitution.

This order supplements Executive Orders No. 9698 of February 19, 1946, No. 9751 of July 11, 1946, No. 9823 of January 24, 1947, and No. 9863 of May 31, 1947.

HARRY S. TRUMAN

THE WHITE HOUSE,  
August 22, 1947.

[F. R. Doc. 47-7993; Filed, Aug. 22, 1947;  
4:21 p. m.]

## TITLE 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

**PART 26—TRANSFER OF PERSONNEL TO PUBLIC INTERNATIONAL ORGANIZATIONS IN WHICH THE UNITED STATES GOVERNMENT PARTICIPATES**

#### INTERNATIONAL REFUGEE ORGANIZATION

**CROSS REFERENCE:** For designation of the Preparatory Commission for the International Refugee Organization and its successor, the International Refugee Organization, as public international organizations to which the provisions of this part are applicable as noted in § 26.2, see Executive Order 9887, Title 3, *supra*.

## TITLE 15—DEPARTMENT OF COMMERCE

### Chapter I—Bureau of the Census

**PART 20—GENERAL ORGANIZATION AND FUNCTIONS**

**PART 21—DETAILED STATEMENT OF FUNCTIONS BY MAJOR ORGANIZATION UNIT (DOWN TO OPERATING LEVEL)**

#### STATUS OF NEW YORK OFFICE OF FOREIGN TRADE DIVISION

Pursuant to the authority vested in me under section 1 of the act of January 5, 1923, 42 Stat. 1109 (15 U. S. C. 194), I hereby rescind Department Order No. 57, dated December 12, 1946, which authorized and directed the transfer of the functions, together with personnel, of the New York office of the Foreign Trade Division, Bureau of the Census, to the Washington office of the same division, and accordingly:

1. Section 20.3 (11 F. R. 177A-304, 12783, 14611), is revised to read as follows:

§ 20.3 *General statement of organization.* The work of the Bureau of the Census in compiling and publishing data is performed at the seat of government. For purposes of collecting information by direct canvass of householders, business establishments, etc., there are area

(Continued on p. 5725)

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<sup>a</sup> P. L. O. 396.

<sup>a</sup> P. L. O. 394.

offices and district offices appropriately located throughout the country. The location of these offices is given in § 21.6 (11 F. R. 177A-305, 12783).

In addition, a New York Office of the Foreign Trade Division is located at Room 434, Customs House, New York City, to perform certain operations on foreign trade documents which are the source of statistics on foreign trade (see § 21.7 (11 F. R. 177A-305) and 15 CFR, and Supps., Part 30).

The Washington Office consists of:

	Section Nos.
Office of the Director	(21.2)
Twelve divisions as follows:	
Administrative service	(21.2)
Agriculture	(21.3)
Budget office	(21.4)
Business	(21.5)
Field	(21.6)
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2. The present text of § 21.7 *Foreign Trade Division* (11 F. R. 177A-305, 12783, 14611), is further amended by the deletion of paragraph (b).

(Sec. 1, 42 Stat. 1109, 15 U. S. C. 1109)

[SEAL] WILLIAM C. FOSTER,  
Acting Secretary of Commerce.

AUGUST 19, 1947.

[F. R. Doc. 47-7930; Filed, Aug. 25, 1947; 8:44 a. m.]

## TITLE 10—ARMY: WAR DEPARTMENT

## Chapter VII—Personnel

## PART 703—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, FLIGHT OFFICERS, AND CHAPLAINS

## WARRANT OFFICERS

## Correction.

In Federal Register Document 47-7683, appearing at page 5546 of the issue for

Saturday, August 16, 1947, the fifth and sixth lines of paragraph (b) of § 703.303 should read: "the time his name is reached on the eligible list for appointment as a warrant officer."

## TITLE 17—COMMODITY AND SECURITIES EXCHANGES

## Chapter II—Securities and Exchange Commission

## PART 239—FORMS PRESCRIBED UNDER THE SECURITIES ACT OF 1933

## FORMS FOR REGISTRATION STATEMENTS

The Securities and Exchange Commission has heretofore duly published in the FEDERAL REGISTER notice of proposals with respect to the revision of Form S-2 (§ 239.12, 11 F. R. 177A-732) and the rescission of Forms S-12 (§ 239.19, 11 F. R. 177A-732) and C-1 (§ 239.3, 11 F. R. 177A-731) under the Securities Act of 1933. After due consideration of all relevant matters presented in regard to the proposals, the Commission has determined that the proposed action is necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act. Accordingly, the Commission, acting pursuant to authority conferred upon it by the above-mentioned act, particularly sections 7, 10 and 19 (a) thereof, hereby adopts a revised Form S-2 to read as set forth in copies thereof marked "Revised September 20, 1947" and rescinds Forms S-12 and C-1.

The purpose of the revision of Form S-2 is to provide a simple registration form for commercial and industrial companies which are still in the stage of development. Certain established companies which have heretofore used this form will, in the future, use Form S-1 (§ 239.11, 11 F. R. 177A-732, 12 F. R. 224), the Commission's general form for commercial and industrial companies.

Since the requirements of Form S-12 and the requirements of the revised Form S-2 are substantially the same, Form S-12 is being rescinded because it no longer serves any useful purpose.

Form C-1, which was prescribed for unincorporated investment trusts of the fixed or restricted management type, has become obsolete through the adoption of later forms for securities of such trusts. Accordingly, this form is being rescinded because it is no longer necessary.

The foregoing action shall become effective September 20, 1947.

(Secs. 7, 10, 19 (a), 48 Stat. 78, 81, 85; 15 U. S. C. 77g, 77j, 77k)

By the Commission.

[SEAL] NELLIE A. THORSEN,  
Assistant to the Secretary.

AUGUST 15, 1947.

[F. R. Doc. 47-7944; Filed, Aug. 25, 1947; 8:45 a. m.]

## TITLE 19—CUSTOMS DUTIES

## Chapter I—Bureau of Customs

[T. D. 51740]

## PART 4—VESSELS IN FOREIGN AND DOMESTIC TRADES

## PART 5—CUSTOMS RELATIONS WITH CONTIGUOUS FOREIGN TERRITORY

## PART 24—CUSTOMS FINANCIAL AND ACCOUNTING PROCEDURE

## LICENSES AND PERMITS TO UNLADE AND LADE; REQUESTS FOR OVERTIME SERVICES

Section 4.30 (e) and (f), 5.2 (d), and 24.16 (c), Customs Regulations of 1943, relating to licenses and permits to unlade and lade and requests for overtime services amended or further amended.

1. Section 4.30, Customs Regulations of 1943 (19 CFR, Cum. Supp., 4.30), is hereby amended as follows:

Paragraphs (e) and (f) are amended to read:

§ 4.30 *Permits and special licenses for unloading and lading.* \* \* \*

(e) A special license on customs Form 3851 running for any period up to 1 month and in multiples of months thereafter but not to exceed 1 year nor longer than the period of the supporting bond may be granted to a carrier operating passenger vessels making three or more trips a week between a port in the United States and a foreign port, or vessels used as ferryboats, including car ferries, to unlade merchandise, passengers, or baggage, or to lade merchandise or baggage in the case of any or all of such vessels at night or on a Sunday or holiday when customs supervision is required. The application for such a special license shall be on customs Form 3851 supplemented by a request on customs Form 3853 for overtime services of customs officers. Such request for overtime services must show the exact times when overtime services will be needed unless arrangements are made so that the proper customs officer will be seasonably notified during official hours in advance of the services requested as to the exact times that the services will be needed. The special license shall not be granted unless the required bond on customs Form 3587, 7567, or 7569 shall have been filed.

(f) The collector may also issue a permit running for any period up to 1 month, and in multiples of months thereafter but not to exceed 1 year, to unlade or lade vessels specified in paragraph (e) of this section during official hours. Customs Form 3851 (modified) shall be used for such purpose.

(Secs. 448, 450, 452, 453, 454, 624, 46 Stat. 714, 715, 716, 759, sec. 451, 46 Stat. 715, sec. 9, 52 Stat. 1082, sec. 1, 58 Stat. 269; 19 U. S. C. 1448, 1450, 1452, 1453, 1454, 1624, 19 U. S. C., Supp. 1451)

2. Paragraph (d) of § 5.2 *Vessels and vehicles; overtime services of Customs officers; lading and unlading; permits*, Customs Regulations of 1943 (19 CFR, Cum. Supp., 5.2 (d)), is hereby amended as follows:

The second sentence is amended by deleting the words "or a vehicle" and substituting "term" for "monthly".



Another sentence is added, to read, "A term license or permit to unlade or lade may also be issued to a common carrier by vehicle for any of the periods permitted by § 4.30 (e) and (f) when an application as prescribed therein and any required bond are on file." (R. S. 251, sec. 624, 46 Stat. 759; 19 U. S. C. 66, 1624)

3. Paragraph (c) of § 24.16 *Overtime services; overtime compensation; rate of compensation*, Customs Regulations of 1943 (19 CFR, Cum. Supp., 24.16 (c)), as amended by T. D. 51149, is hereby further amended by adding the following sentences:

(c) \* \* \* An application on customs Form 3853 for overtime services of customs employees when supported by a bond on customs Form 7599 may be granted for any period up to 1 month or multiples of months thereafter but not longer than for 1 year nor longer than the period of the supporting bond. In such a case, the application must show the exact times when the overtime services will be needed unless arrangements are made so that the proper customs officer will be seasonably notified during official hours in advance of the services requested as to the exact times that the services will be needed.

(Secs. 450, 452, 624, 46 Stat. 715, 759, sec. 451, 46 Stat. 715, sec. 9, 52 Stat. 1082, sec. 1, 58 Stat. 269; 19 U. S. C. 1450, 1452, 1624, and 19 U. S. C. Sup. 1451)

[SEAL] FRANK DOW,  
Acting Commissioner of Customs.

Approved: Aug. 19, 1947.

A. L. M. WIGGINS,  
Acting Secretary of the Treasury.

[F. R. Doc. 47-7952; Filed, Aug. 25, 1947;  
8:48 a. m.]

## TITLE 36—PARKS AND FORESTS

### Chapter II—Forest Service, Department of Agriculture

#### PART 201—NATIONAL FORESTS

##### CHUGACH NATIONAL FOREST

CROSS REFERENCE: For order affecting the tabulation contained in § 201.1, see Public Land Order 396 under Title 43, *infra*, excluding certain lands from the Chugach National Forest.

## TITLE 42—PUBLIC HEALTH

### Chapter I—Public Health Service, Federal Security Agency

#### PART 02—ORGANIZATION AND FUNCTIONS<sup>1</sup>

##### MISCELLANEOUS AMENDMENTS

Subpart A *General Organization and Functions* is amended in the following respect:

Section 02.112 (c) is amended by adding the following subparagraph:

§ 02.112 *Availability of public records.* \* \* \*  
(c) \* \* \*

<sup>1</sup> 11 F. R. 177A-549.

(9) Information relating to training grants in mental health to the extent and for such period as may be recommended in the public interest by the National Advisory Mental Health Council.

Subpart B *Office of the Surgeon General* is amended in the following respects:

1. Section 02.201 is amended to read as follows:

#### § 02.201 *Principal subdivisions.*

Division of Commissioned Officers.  
Division of Dentistry.  
Division of Sanitary Engineering.  
Division of Nursing.  
Division of Public Health Methods.  
National Office of Vital Statistics.  
Office of International Health Relations.  
Office of the Executive Assistant.  
Office of Personnel.  
Office of Purchase and Supply.  
Budget and Fiscal Office.

2. Section 02.205 (c) is amended to read as follows:

#### § 02.205 *Division of Sanitary Engineering.* \* \* \*

(c) In connection with these operating programs, the Division conducts an extensive fact-finding program, including: (1) Nation-wide inventory of needs for sanitary facilities in urban and rural areas; (2) annual report of outbreaks of disease the sources of which are water, milk, and foods; (3) continuous listing of water and sewerage systems in the United States. It conducts field surveys on a wide variety of sanitary problems. It develops standards for the sanitation of water supplies, shellfish production, milk and food sanitation, sewage disposal, vessel sanitation, and laboratory analysis. In cooperation with interested industries and health authorities, it develops standard ordinances and codes for water, milk, and food sanitation for voluntary adoption by State and local governments. Periodically the Division rates communities which have adopted ordinances recommended by the Public Health Service, and publishes the ratings. It publishes periodically a list of sanitary ratings of interstate milk shippers.

3. Section 02.207 is amended to read as follows:

§ 02.207 *Division of Public Health Methods.* (a) The four main functions of this Division are: (1) to evaluate national health problems through measurement of the nature and extent of ill health in the population, the services and facilities which are available, and the means by which those services and facilities are employed to meet health needs; (2) to develop methods for meeting such problems; (3) to advise the Surgeon General on these matters; and (4) to transmit public health information to the public and specialized groups.

(b) Among the specific activities of the Division are: the collection and publication of current statistics on communicable and other reportable diseases; studies of the relation of sickness and death in the general population to social and economic conditions; studies of administrative methods and procedures for the provision of health services and medical care; development of techniques for the analysis and utilization of statistical

information; evaluation of clinical service in public and private institutions; and development of methods for the training of public health personnel.

(c) The Office of Health Information prepares materials relating to public health and acts as a clearing house for informational and educational material issued by the U. S. Public Health Service. It maintains liaison with information services of other agencies, with the press and radio; answers requests for health information; plans and directs the distribution of materials; and evaluates the effectiveness of distribution techniques.

4. Section 02.210 is amended to read as follows:

§ 02.210 *Office of the Executive Assistant.* In addition to assisting on a variety of administrative matters, the Executive Assistant has general supervision of the work of the Chief Clerk whose staff provides office services at headquarters.

5. Section 02.211 is amended to read as follows:

§ 02.211 *Office of Personnel.* This office is responsible for planning and administering recruitment, selection, promotion, transfer, reassignment, classification, appointment, training and retirement of all civil service employees, departmental and field. It is also responsible for coordinating personnel policies, procedures and methods.

6. Sections 02.212 and 02.213 are added as follows:

§ 02.212 *Office of Purchase and Supply.* This office is responsible for the procurement and delivery of all equipment and supplies of the Service. It gives technical guidance to field stations which do much of their own purchasing. It keeps property records and promotes the best use of items purchased.

§ 02.213 *Budget and Fiscal Office.* (a) This office administers all budgetary and fiscal affairs of the Public Health Service. It is headed by a Chief Budget Officer.

(b) The office prepares or supervises the preparation of all estimates for appropriations required for the operation of the Service, including justifications for such appropriations; it presents estimates to the Budget Officer of the Federal Security Agency and through him, to the Bureau of the Budget.

(c) The Budget and Fiscal Office also maintains accounts for the control of appropriated funds. It processes all disbursements, including expenditures for salaries, travel expenses, purchases and supplies, transportation, and miscellaneous expenditures.

Subpart C *National Institute of Health* is amended in the following respect:

Section 02.301 is amended to read as follows:

#### § 02.301 *Principal subdivisions:*

National Cancer Institute.  
Division of Infectious Diseases.  
Division of Physiology.  
Research Grants Division.  
Biologics Control Laboratory.  
Chemistry Laboratory.  
Industrial Research Laboratory.



Pathology Laboratory.  
Division of Tropical Diseases.

Subpart D *Bureau of Medical Services* is amended in the following respect: Section 02.402 (c) is amended to read as follows:

§ 02.402 *Functions.* \* \* \*

(c) Other Federal agencies to which one or more Public Health Service officers are assigned through the Bureau of Medical Services for the development and administration of medical programs include the Bureau of Employees' Compensation and the Office of Vocational Rehabilitation (Federal Security Agency); the United States Maritime Commission; and the Foreign Service of the Department of State.

The indicated portions of Appendix A *List of Field Stations* are amended to read as follows:

U. S. PUBLIC HEALTH SERVICE DISTRICT OFFICES

Correspondence with District Offices should be addressed to: District Director, U. S. Public Health Service District No. —.

*District No., Address and Jurisdiction*

- 1—U. S. Sub-Treasury Building, 15 Pine Street, New York 5, N. Y.:  
Connecticut, Delaware, Maine, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont.
- 2—State-Planters Bank Building, Richmond 19, Va.:  
District of Columbia, Maryland, North Carolina, South Carolina, Virginia, West Virginia.
- 3—852 U. S. Custom House, 610 South Canal Street, Chicago 7, Ill.:  
Illinois, Indiana, Kentucky, Michigan, Ohio, Wisconsin.
- 4—707 Pere Marquette Building, New Orleans 12, La.:  
Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Tennessee.
- 5—1152 U. S. Appraisers Building, San Francisco 11, Calif.:  
Alaska, Arizona, California, Hawaiian Islands, Nevada, Oregon, Washington.
- 6—San Juan 18, Puerto Rico:  
Puerto Rico, Virgin Islands.
- 7—405 East 13th Street, Kansas City 6, Mo.:  
Iowa, Kansas, Minnesota, Missouri, Nebraska, North Dakota, South Dakota.
- 8—331 New Custom House, Denver 2, Colo.:  
Colorado, Idaho, Montana, Utah, Wyoming.
- 9—1114 Commerce Street, Room 513, Dallas 2, Tex.:  
New Mexico, Oklahoma, Texas.

BRANCH LABORATORIES OF THE NATIONAL INSTITUTE OF HEALTH

Correspondence with branch laboratories of the National Institute of Health of the U. S. Public Health Service should be addressed to: Officer in Charge.

Rocky Mountain Laboratory, Hamilton, Mont.

Malaria Investigations Station, 874 Union Avenue, Memphis, Tenn.

Malaria Research Laboratory, State Hospital, Columbia, S. C.

COMMUNICABLE DISEASE CENTER

Medical Officer in Charge, Communicable Disease Center, 605 Volunteer Building, Atlanta, Ga.

FIELD STATIONS OF THE STATES RELATIONS DIVISION

Correspondence with the field stations of the States Relations Division should be addressed to: Medical Officer in Charge.

Plague-Suppressive Laboratory, 14th Avenue and Lake Street, San Francisco 18, Calif.

Heart Disease Control Section, Temple University Medical School, Philadelphia, Pa.  
Diabetes Control Section, 695 Huntington Avenue, Boston, Mass.

TUBERCULOSIS DEMONSTRATION

Medical Officer in Charge, Hixson Memorial Laboratory, University of Kansas Hospital, Kansas City, Kans.

VENEREAL DISEASE LABORATORIES AND MEDICAL CENTERS

Correspondence with venereal disease field stations should be addressed to: Medical Officer in Charge.

Laboratory of Experimental Therapeutics, Johns Hopkins School of Hygiene, 615 North Wolfe Street, Baltimore 5, Md.

U. S. Public Health Service Medical Center, Hot Springs National Park, Ark.

Hampton Roads Medical Center, 42nd and Powhatan Avenue, Norfolk 1, Va.

Midwestern Medical Center, 3630 Marine Avenue, St. Louis 18, Mo.

Venereal Disease Research Laboratory, U. S. Marine Hospital, Staten Island 4, N. Y.

PART 03—PROCEDURES AND FORMS\*

MISCELLANEOUS AMENDMENTS

Subpart B *Office of the Surgeon General* is amended in the following respects:

1. Section 03.236 is amended to read as follows:

§ 03.236 *General statement.* Sanitation of vessels operating in interstate traffic is subject to the provisions of the Interstate Quarantine Regulations, contained in Part 12 of this chapter. The activities relating to shore sources of potable water are performed under the supervision of the Land and Air Carrier Section of the Sanitary Engineering Division; those relating to sanitation on board vessels, under the Vessel Sanitation Section, Sanitary Engineering Division.

2. Section 03.237 is amended to read as follows:

§ 03.237 *Water supplies and watering points on shore.* Procedures are the same as those described in § 03.232 except that the circulation of vessel companies is performed by the Vessel Sanitation Section, Sanitary Engineering Division, on a form entitled "Sources of Potable Water Used on Vessels (Ports of Call)".

3. Section 03.238 is amended to read as follows:

§ 03.238 *Sanitation on vessels.* Vessels, while in port, are inspected by personnel of the district offices to determine compliance with the regulations. The inspector prepares and presents to the senior officer on board a "Memorandum to the Captain of the Vessel" listing the defects found and recommended methods of correction. This Memorandum is kept with the ship's papers. Upon the basis of the inspector's report to him, the district engineer in the district office transmits to the vessel operator either a Record of Inspection, which is issued in the case of vessels having defects and which records those defects and makes recommendations for their removal, or a Certificate of Compliance, which is issued to vessels on which no defects are found. A copy of the Record or Certificate is posted on the vessel to which it is applicable.

\* 11 F. R. 177A-555.

4. Section 03.239 is amended to read as follows:

§ 03.239 *Vessels under construction or reconstruction.* (a) The Vessel Engineering Section, Sanitary Engineering Division, will, on request addressed to the Division at Washington 25, D. C., assist naval architects and shipyards in developing construction plans which will give reasonable assurance that sanitation aspects of new vessels, or the rebuilt parts of existing vessels, operating or destined to operate in interstate traffic will comply with the Interstate Quarantine Regulations. A similar advisory service is offered to vessels which operate in foreign traffic and the owners or operators of which desire plan approval and certification of construction by the U. S. Public Health Service. In the latter case, plans will be reviewed during the developmental stage in the light of the recommendations contained in the "Administrative Guide for Plan Approval, Inspection and Certification of Vessel Sanitation" (July 1, 1947), and recommendations will be made as to any changes that may be indicated. Plans and specifications as they are developed may be submitted to the Division for review. Two copies of the specifications and two copies of the plan schedule should be submitted as soon as developed and three copies of each plan related to sanitation should be submitted as soon as it is prepared. If approved, one set of the specifications and one copy of each plan will be so marked and returned to the naval architect or shipyard; if not approved, the plans and specifications will be returned with recommendations.

(b) In connection with actual construction activity, the district offices will offer the advice of inspectors on compliance with plans, or on measures necessary to qualify the vessel for certification by the Service as either having met the requirements of the Interstate Quarantine Regulations or having adopted the recommendations of the Administrative Guide. Upon completion of construction, vessels operating or destined to operate in interstate traffic will be issued certificates indicating the degree of the vessel's compliance at the time of inspection with the requirements of the regulations. In addition, upon the request of the owners or operators of vessels, whether in interstate or foreign traffic, there will be issued to such vessels as have adopted practices recommended in the Administrative Guide, one construction certificate on which will be indicated the categories of sanitation with respect to which such practices have been adopted. Examples of such categories are: potable water system; wash-water system; food storage and handling; plumbing related to the aforementioned; general sanitation; and ratproofing.

Subpart C *National Institute of Health* is amended in the following respect:

Section 03.303 is amended to read as follows:

§ 03.303 *Applications for licenses.* Applications for licenses may be obtained from the Surgeon General, U. S. Public Health Service, Washington 25, D. C. Detailed information is required on the



technical facilities of the establishment and on the methods of preparation and testing of the product. Assistance in completing application forms may be obtained from the Biologics Control Laboratory, National Institute of Health, Bethesda 14, Maryland.

Subpart D *Bureau of Medical Services* is amended by adding the following:

**GRANTS AND STIPENDS FOR MENTAL HEALTH TRAINING**

§ 03.671 *General statement.* Section 303 of the Public Health Service Act of July 1, 1944, as amended by the act of July 3, 1946 (Public Law 487, 79th Cong.) provides in part for (a) grants to public and other nonprofit institutions for training, instruction, and demonstrations in the field of mental health and (b) per diem allowances to qualified persons accepted for training and instruction in matters relating to psychiatric disorders (i. e. in psychiatry, clinical psychology, psychiatric social work, psychiatric nursing, and other related specialties).

General administrative responsibility for this program is exercised by the Mental Hygiene Division in the Bureau of Medical Services.

§ 03.672 *Grants to public and other nonprofit institutions—(a) Application forms.* Institutions seeking grants may obtain application forms and instructions from the Surgeon General, U. S. Public Health Service, Washington 25, D. C. A separate application is required for each type of specialty training the institution proposes to provide. The application form requires information on the present curriculum, teaching staff and teaching facilities, proposed new or modified training program, and itemized budget for the funds sought by the institution. The form also requires information on the number and size of stipend: for trainees, since stipend payments (per diem allowances) under section 303 (b) of the Public Health Service Act, as amended, are paid to trainees by the institutions out of their grants.

(b) *Processing of applications.* Applications received from institutions are submitted by the Mental Hygiene Division to the Committee on Training of the National Advisory Mental Health Council. This committee, consisting of outside consultants appointed by the Surgeon General, reviews applications and makes recommendations to the Council. The Council then prepares and submits its recommendations to the Surgeon General. A personal visit to the institution may be made by a member of the committee or of the Council, or by a representative of the Surgeon General.

(c) *Action by the Surgeon General.* If the National Advisory Mental Health Council recommends approval of a grant to an institution, a certificate of approval is transmitted to the Surgeon General for final action. Upon final action by the Surgeon General, the institution is notified of approval, deferment for additional information, or disapproval of the application.

§ 03.673 *Per diem allowances (stipends) for trainees—(a) Application forms.* Individuals seeking per diem allowances (stipends) as trainees under section 303 (b) of the Public Health Service Act, as amended, apply directly to one of the institutions receiving a grant for training and instruction. Application forms and instructions, forwarded by the Surgeon General to the institution, may be obtained from the institution.

(b) *Processing of applications.* The filled-in applications are returned to the institution. There, they are screened to determine whether the candidates meet the institution's qualifications for admission to the course of instruction and meet the qualifications approved by the Surgeon General and set forth in the instructions accompanying the application forms. After reviewing the applications, the institution recommends to the Surgeon General a list of candidates ranked in order of preference. The application forms of these candidates are forwarded to the Surgeon General with the institution's recommendations.

(c) *Action by the Surgeon General.* On the basis of the data contained in the application and the institution's recommendations, the Surgeon General designates, from among the candidates he finds properly qualified, those who are to receive stipends. The candidate is notified through the institution of action taken on his application.

(d) *Stipend payments.* Stipend payments are made to trainees by the institution out of funds granted as described in § 03.672.

Subpart E *Bureau of State Services* is amended in the following respects:

1. Section 03.731 is amended to read as follows:

§ 03.731 *General statement.* Funds are made available through the Venereal Disease Division to any State or, with the consent of the State health authority, to any county, health district or other political subdivision of a State, for the operation of rapid treatment facilities in which persons infected with venereal diseases are given in-patient care, in accordance with authorizations contained in current appropriation acts. Under the same authority, funds may be allotted to rapid treatment facilities for the payment of fees to private physicians or nonprofit institutions for the diagnosis and referral of persons infected with syphilis in the infectious or potentially infectious stages.

2. Section 03.781 is amended to read as follows:

§ 03.781 *General statement.* The Bureau of State Services engages in various cooperative public health programs with State and local health agencies, other Federal agencies, and voluntary or non-official organizations, in accordance with sections 301, 311, and 314 of the Public Health Service Act, as amended.

(Sec. 3, 12, 60 Stat. 237, 244; 5 U. S. C. Sup. 1002, 1011)

Dated: August 21, 1947.

[SEAL]

THOMAS PARRAN,  
Surgeon General.

Approved:

MAURICE COLLINS,  
Acting Federal Security Administrator.

[F. R. Doc. 47-7962; Filed, Aug. 25, 1947; 8:47 a. m.]

## TITLE 43—PUBLIC LANDS: INTERIOR

### Subtitle A—Office of the Secretary of the Interior

#### PART 6—PATENT REGULATIONS

Orders Nos. 1763 (7 F. R. 10161), 1871 (8 F. R. 12523), 2083 (10 F. R. 9722), and 2158 (11 F. R. 1046) are superseded except to the extent that they control rights in inventions already made, and Part 6 is revised to read as follows:

#### SUBPART A—INVENTIONS BY EMPLOYEES

- Sec.
- 6.1 Purpose.
  - 6.2 Rights of Government and employee.
  - 6.3 Report of inventions.
  - 6.4 Contents of invention reports.
  - 6.5 Publication and public use.
  - 6.6 Action by supervisor.
  - 6.7 Action by head of bureau.
  - 6.8 Action by Solicitor.
  - 6.9 Publicity concerning inventions.
  - 6.10 Application of subpart.
  - 6.11 W. A. E. employees.

#### SUBPART B—LICENSES

- 6.51 Purpose.
- 6.52 Patents.
- 6.53 Unpatented inventions.
- 6.54 Use or manufacture by or for the Government.
- 6.55 Terms of licenses or sublicenses.
- 6.56 Issuance of licenses.
- 6.57 Evaluation Committee.

AUTHORITY: §§ 6.1 to 6.11, inclusive, and §§ 6.51 to 6.57, inclusive, issued under R. S. 161, 48 Stat. 190; 5 U. S. C. 22, 30 U. S. C. 321; E. O. 9865, June 14, 1947, 12 F. R. 3907.

§ 6.1 *Purpose.* The regulations in this subpart are issued in order to (a) secure for the people of the United States the full benefits of Government research and investigation in the Department of the Interior, (b) make definite the rights and obligations of employees with respect to any inventions made by them during their employment in the Department, (c) establish a uniform procedure by which these rights and obligations may be equitably determined in each case, and (d) encourage and recognize individual and cooperative achievement in research and investigation. The Department undertakes to do all within its power to reward its employees who, through their inventive achievements, advance the technological and scientific knowledge of the Nation. The Department will also endeavor to further the use to the fullest possible extent by industry and the public of the inventions conceived in this



Department and assigned to the Government.

**§ 6.2 Rights of Government and employee.** (a) The Government, as the employer and as the representative of the people of the United States, should have the ownership and control of any invention developed in the course of governmental activities. Each employee of the Department of the Interior is required upon request to assign to the United States, as represented by the Secretary of the Interior, all domestic and foreign rights to any invention made by the employee within the general scope of his governmental duties, unless such requirement is waived in writing by the Solicitor. An invention will be considered as having been made within the general scope of the governmental duties of an employee (1) whenever his duties include research or investigation, or the supervision of research or investigation, and the invention arose in the course of such research or investigation and is relevant to the general field of an inquiry to which the employee was assigned, or (2) whenever the invention was in a substantial degree made or developed through the use of Government facilities or financing, or on Government time, or through the aid of Government information not available to the public.

(b) An employee of the Department is entitled to all rights resulting from any invention which was made by him outside the general scope of his governmental duties, as defined in paragraph (a) of this section.

(c) If the Solicitor finds that an invention made by an employee of the Department outside the general scope of his governmental duties is used or liable to be used in the public interest, and executes a certificate to that effect, the employee may, if he wishes to do so, request that an application for a patent be filed and prosecuted at the expense of the Government under the act of March 3, 1883, as amended (35 U. S. C. 45). Under such circumstances, the invention may be manufactured and used by or for the Government for governmental purposes without the payment of any royalty.

(d) The requirement relative to the assignment of domestic patent rights to the United States, set forth in paragraph (a) of this section, may be waived in whole or in part, in writing, by the Solicitor in the case of any invention as to which he finds, upon grounds to be specified by him, that the interests of the United States do not require the full assignment of such rights.

(e) The requirement relative to the assignment of foreign patent rights to the United States, set forth in paragraph (a) of this section, may be waived in whole or in part, in writing, by the Solicitor if the Department of Commerce, pursuant to section 3 of Executive Order No. 9865 (June 14, 1947, 12 F. R. 3907), determines as to an invention that no foreign patent protection shall be procured or that foreign patent protection shall be procured only in specified foreign jurisdictions. An employee of this Department shall not file in any foreign jurisdiction any patent application relating to an

invention made within the general scope of his governmental duties unless the Solicitor has waived in writing the requirement that foreign rights be assigned to the United States.

**§ 6.3 Report of inventions.** (a) Every invention made by an employee of the Department of the Interior shall be reported by such employee through his supervisor and the head of the bureau to the Solicitor, unless the invention obviously is unpatentable. If the invention is the result of group work, the report shall be made by the supervisor and shall be signed by all employees participating in the making of the invention. The original and three copies of the invention report shall be furnished to the Solicitor. The Solicitor may prescribe the form of the reports.

(b) The report shall be made as promptly as possible, taking into consideration such factors as possible publication or public use, reduction to practice, and the necessity for protecting the Government's rights in the invention. Although it is not necessary to withhold the report until the process or device is completely reduced to practice, reduction to practice assists in the preparation of a patent application and, if diligently pursued, protects the interests of the Government and of the inventor. If an invention is reduced to practice after the invention report is filed, the Solicitor must be notified forthwith.

(c) For the protection of the rights of the Government and of the inventor, invention reports and memoranda or correspondence concerning them are to be considered as confidential documents.

**§ 6.4 Contents of invention reports.** (a) An invention report shall contain the following information:

- (1) The title of the invention;
- (2) The full name, the residence, and the office address of the inventor or inventors; bureau and division or branch; position or title; official working place;
- (3) A statement of the evidence that is available as to the making of the invention, including information relative to conception, disclosures to others, and reduction to practice;
- (4) Information concerning any publication or public use of the invention;
- (5) The problems which led to the making of the invention;
- (6) The objects, advantages, and uses of the invention;
- (7) A description of the invention;
- (8) Experimental data;
- (9) Information which the inventor may have obtained as to the prior art;
- (10) The inventor's opinion as to the foreign countries in which the invention would be most useful and would have the greatest commercial value;
- (11) Either a statement that the employee is willing to assign the rights in the invention to the Government, or a request for a determination of the respective rights of the Government and the inventor, pursuant to paragraph (b) of this section.

(b) If the inventor believes that the invention was made outside the general scope of his governmental duties, and if he is unwilling to assign the rights in the

invention to the Government, he shall, in his invention report, request that the Solicitor determine the respective rights of the Government and the inventor in the invention, and shall also include in his invention report information on the following points:

(1) The circumstances under which the invention was made and developed;

(2) The employee's official duties, as given on his job sheet or otherwise assigned, at the time of the making of the invention;

(3) Whether he wishes a patent application to be prosecuted under the act of March 3, 1883, as amended (35 U. S. C. 45), if it should be determined that an assignment of the invention to the Government is not required under § 6.2; and

(4) The extent to which he would be willing voluntarily to assign foreign rights in the invention to the United States if it should be determined that an assignment of the invention to the Government is not required under § 6.2.

**§ 6.5 Publication and public use.** (a) Publication or public use of an invention constitutes a statutory bar to the granting of a patent for the invention unless a patent application is filed within one year of the date of such publication or public use. In order to preserve rights in unpatented inventions, it shall be the duty of the inventor, or of his supervisor, if the inventor is not available to make such report, to report forthwith to the Solicitor any publication or use (other than experimental) of an invention, irrespective of whether an invention report has previously been filed. If an invention report has not been filed, such a report, including information concerning the public use or publication, shall be filed at once. If an invention is disclosed to any person who is not employed by the Department of the Interior or working in cooperation with the Department upon that invention, a record shall be kept of the date and extent of the disclosure, the name and address of the person to whom the disclosure was made, and the purpose of the disclosure.

(b) No description, specification, plan, or drawing of any unpatented invention upon which a patent application is likely to be filed shall be published, nor shall any written description, specification, plan, or drawing of such invention be furnished to anyone other than an employee of the Department of the Interior or a person working in cooperation with the Department upon that invention, unless the Solicitor is of the opinion that the interests of the Government will not be prejudiced by such action. If any publication disclosing the invention, not previously approved by the Solicitor, comes to the attention of the inventor or his supervisor, it shall be the duty of such person to report such publication to the Solicitor.

**§ 6.6 Action by supervisor.** The preparation of an invention report and other official correspondence on patent matters is one of the regular duties of an employee who has made an invention, and the supervisor shall see that he is



allowed sufficient time from his other duties to prepare such documents. The supervisor shall ascertain that the invention report and other papers are prepared in conformity with the regulations in this subpart; and, before transmitting the invention report to the bureau head, shall check its accuracy and completeness, especially with respect to the circumstances in which the invention was developed, and shall add whatever comments he may deem to be necessary or desirable. The supervisor shall add to the file whatever information he may have concerning the governmental and commercial value of the invention, and the foreign countries in which it is likely that the invention would be most useful and would have the greatest commercial value.

**§ 6.7 Action by head of bureau.** (a) The head of the bureau shall make certain that the invention report is as complete as circumstances permit. He shall provide whatever information may be available in his bureau concerning the governmental and commercial value of the invention, and the foreign countries in which it is likely that the invention would be most useful and would have the greatest commercial value.

(b) If the employee inventor requests that the Solicitor determine his rights in the invention, the head of the bureau shall state his conclusions with respect to such rights.

(c) The head of the bureau shall indicate whether, in his judgment, the invention is liable to be used in the public interest, and he shall set out the facts supporting his conclusion whenever the employee's invention report does not contain sufficient information on this point.

**§ 6.8 Action by Solicitor.** (a) If an employee inventor requests, pursuant to paragraph (b) of § 6.4, that such a determination be made, the Solicitor shall determine the respective rights of the employee and the Government in the invention.

(b) In every case in which the Government is entitled to an assignment of the invention or in which the employee is willing to assign the invention to the Government, and in every case in which the invention, although not required to be assigned to the Government, is liable to be used in the public interest and the inventor wishes to have the patent application prepared and prosecuted under the provisions of the act of March 3, 1883, as amended (35 U. S. C. 45), the Solicitor shall make appropriate arrangements for the preparation and prosecution of the patent application.

(c) If the invention is required to be assigned to the Government or if the inventor is willing to grant the Government an assignment of any of his foreign rights, the Solicitor shall take appropriate steps, in accordance with governmental regulations, to protect the interests of the United States.

**§ 6.9 Publicity concerning inventions.** (a) In order that the public may obtain the greatest possible benefit from inventions in which the Secretary of the Interior has transferable interests, inventions assigned to the Secretary upon

which patent applications have been filed shall be publicized as widely as possible, within limitations of authority, by the Department, by the originating bureau, by the branch or division of that bureau in which the inventor is employed, and by the inventor himself in his contacts with industries in which the invention is or may be useful. Regular organs of publication shall be utilized to the greatest extent possible. In addition, it shall be the duty of the Solicitor of the Department, upon being advised of the issuance of any patent assigned to the Secretary, to take steps towards listing the patent as available for licensing in the register in the Patent Office established for that purpose.

**§ 6.10 Application of subpart.** (a) The regulations in this subpart, as were those of Departmental Orders Nos. 1763 (7 F. R. 10161) and 1871 (8 F. R. 12523) as amended (10 F. R. 9722), shall be a condition of employment of all employees of the Department of the Interior and shall be effective as to all inventions made during any period of employment since November 17, 1942, except that the provisions relating to foreign patent rights and foreign patent applications shall not apply to inventions which, prior to the effective date of the regulations in this subpart, have been reported to the Solicitor and upon which foreign patent applications already have been filed in accordance with the provisions of Orders Nos. 1763 and 1871. The regulations in this subpart shall be effective without regard to any existing or future contracts to the contrary entered into by any employee of this Department with any person other than the Government.

(b) If a patent application is filed upon an invention which has been made by an employee of this Department within the general scope of his governmental duties, as defined in paragraph (a) of § 6.2, but which has not been reported to the Solicitor pursuant to the regulations in this subpart, title to such invention shall immediately vest in the Government, as represented by the Secretary of the Interior, and the contract of employment shall be considered an assignment of such rights.

**§ 6.11 W. A. E. employees.** Scientific and professional employees of the Department receiving compensation on a "when actually employed" basis are subject to the provisions of this subpart only with respect to inventions arising out of their governmental duties or made or developed to a substantial degree through the use of Government facilities or financing, or on Government time, or through the aid of Government information not available to the public.

#### SUBPART B—LICENSES

**§ 6.51 Purpose.** It is the purpose of the regulations in this subpart to secure for the people of the United States the full benefits of Government research and investigation in the Department of the Interior (a) by providing a simple procedure under which the public may obtain licenses to use United States patents and inventions in which the Secretary of the Interior has transferable interests

and which are available for licensing; and (b) by providing adequate protection for the inventions until such time as they may be made available for licensing without undue risk of losing patent protection to which the public is entitled.

**§ 6.52 Patents.** United States patents in which the Secretary of the Interior has transferable interests, and under which he may issue licenses or sublicenses, are classified as follows:

(a) *Class A.* Patents, other than those referred to in paragraph (c) of this section, which are owned by the United States, as represented by the Secretary of the Interior, free from restrictions on licensing except such as are inherent in Government ownership;

(b) *Class B.* Patents in which the interest of the United States, as represented by the Secretary of the Interior, is less than full ownership, or is subject to some express restriction upon licensing or sublicensing (including patents upon which the Secretary of the Interior holds a license, patents assigned to the Secretary of the Interior as trustee for the people of the United States, and patents assigned to the Secretary of the Interior upon such terms as to effect a dedication to the public);

(c) *Class C.* Patents and patent rights acquired by the Secretary of the Interior pursuant to the act of April 5, 1944 (58 Stat. 190; 30 U. S. C., Supp. 321-325), and any amendments thereof.

**§ 6.53 Unpatented inventions.** The Secretary of the Interior may also have transferable interests in inventions which are not yet patented. In order to protect the patent rights of the Department, for the eventual benefit of the public, a license may be granted with respect to such an invention only if (a) a patent application has been filed thereon; (b) the invention has been assigned to the United States, as represented by the Secretary of the Interior, and the assignment has been recorded in the Patent Office; and (c) the Solicitor of the Department is of the opinion that the issuance of a license will not prejudice the interests of the Government in the invention. Such licenses shall be upon the same terms as licenses relating to patents of the same class, as described in § 6.52.

**§ 6.54 Use or manufacture by or for the Government.** A license is not required with respect to the manufacture or use of any invention patented under the act of March 3, 1883, as amended (35 U. S. C. 45), or assigned or required to be assigned without restrictions or qualifications to the United States, as represented by the Secretary of the Interior, when such manufacture or use is by or for the Government for governmental purposes. A license or sublicense may be required, however, for such manufacture or use in the case of Class B patents or patent rights when the terms under which the Secretary of the Interior acquires interests therein necessitate the issuance of a license or sublicense in such circumstances.

**§ 6.55 Terms of licenses or sublicenses.** (a) The terms of licenses and



sublicenses issued under this subpart shall not be unreasonably restrictive. All terms and conditions required by these regulations shall be expressly stated in licenses and sublicenses.

(b) To the extent that they do not conflict with any restrictions to which the licensing or sublicensing of Class B patents and unpatented inventions may be subject, all licenses and sublicenses relating to Class A and Class B patents and unpatented inventions shall be subject to the following terms and provisions, and to such other terms and conditions as the Solicitor may prescribe:

(1) The acceptance of a license or sublicense shall not be construed as a waiver of the right to contest the validity of the patent. A license or sublicense shall be revocable only upon a finding by the Solicitor of the Department that the terms of the license or sublicense have been violated and that the revocation of the license or sublicense is in the public interest. Such finding shall be made only after reasonable notice and an opportunity to be heard.

(2) Licenses and sublicenses shall be nontransferable. Upon a satisfactory showing that the public will be benefited thereby, they may be granted to properly qualified applicants royalty-free. If no such showing is made, they shall be granted only upon a reasonable royalty or other consideration, the amount or character of which is to be determined by the Solicitor. A cross-licensing agreement may be considered adequate consideration.

(3) Licensees and sublicensees may be required to submit annual or more frequent technical or statistical reports concerning practical experience acquired through the exercise of the license or sublicense, the extent of the production under the license or sublicense, and other related subjects.

(4) A licensee or sublicensee manufacturing a patented article pursuant to a license or sublicense shall give notice to the public that the article is patented by affixing thereon the word "patent," together with the number of the patent, or when, from the character of the article, this cannot be done, by fixing to it, or to the package in which it is enclosed, a label containing such notice.

(c) Licenses and sublicenses relating to Class C patents and patent rights shall be granted upon such terms and conditions as may be prescribed pursuant to sections 3 and 5 of the act of April 5, 1944, and any amendments thereof.

**§ 6.56 Issuance of licenses.** (a) Any person desiring a license relating to an invention upon which the Secretary of the Interior holds a patent or patent rights may file with the Solicitor of the Department of the Interior an application for a license, stating:

- (1) The name, address, and citizenship of the applicant;
- (2) The nature of his business;
- (3) The patent or invention upon which he desires a license;
- (4) The purpose for which he desires a license;
- (5) His experience in the field of the desired license;

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(6) Any patents, licenses, or other patent rights which he may have in the field of the desired license; and

(7) The benefits, if any, which the applicant expects the public to derive from his proposed use of the invention.

(b) It shall be the duty of the Solicitor, after consultation with the bureau most directly interested in the patent or invention involved in an application for a license, and with the Evaluation Committee if royalties are to be charged, to determine whether the license shall be granted. If he determines that a license is to be granted, he shall execute, on behalf of the Secretary, an appropriate license.

**§ 6.57 Evaluation Committee.** At the request of the Solicitor, an Evaluation Committee will be appointed by the Secretary to recommend royalty rates with respect to any patents or inventions for which royalties may be charged.

C. GIRARD DAVIDSON,  
*Acting Secretary of the Interior.*

AUGUST 19, 1947.

[F. R. Doc. 47-7939; Filed, Aug. 25, 1947; 8:44 a. m.]

## Chapter I—Bureau of Land Management, Department of the Interior

[Circular No. 1651]

### PART 161—FEDERAL RANGE CODE FOR GRAZING DISTRICTS

#### REGULAR LICENSES AND PERMITS

The note following § 161.8 (b) is hereby amended to read as follows:

**§ 161.8 Fees; time of payment; refunds.** \* \* \*

(b) *Regular licenses and permits.* \* \* \*

NOTE: In accordance with the provisions of § 161.8 (b) of the Federal Range Code for Grazing Districts (Circular 1630, December 11, 1946; 11 F. R. 14496), notice is hereby given that effective August 6, 1947, and pursuant to Public Law 376 (80th Cong.), approved August 6, 1947, a grazing fee of six cents per animal-unit month and a range-improvement fee of two cents per animal-unit month will be charged each regular licensee or permittee for each month of the grazing period covered by the licenses or permits, as follows:

1. Grazing fee: Six cents per head for cattle and horses, one and one-fifth cents per head for sheep and goats.
2. Range-improvement fee: Two cents per head for cattle and horses, two-fifths cent per head for sheep and goats.

Provided, That as to licenses or fee notices issued prior to August 6, 1947, three-fourths of any collections made thereunder on or after August 6 shall be considered as from grazing fees and one-fourth as from range-improvement fees, and no increase in fees shall be effected hereunder as to such licenses or fee notices until the next license or fee notice is issued.

This notice will not prevent the fixing of a different fee in appropriate cases, in accordance with the proviso in § 161.8

(b) of the Federal Range Code for Grazing Districts.

FRED W. JOHNSON,  
*Director.*

Approved: August 18, 1947.

OSCAR L. CHAPMAN,  
*Under Secretary of the Interior.*

[F. R. Doc. 47-7931; Filed, Aug. 25, 1947; 8:48 a. m.]

[Circular 1652]

### PART 288—GENERAL TRESPASS REGULATIONS MEASURE OF DAMAGES IN TIMBER TRESPASS CASES

Note 5 appended to § 288.1, referring to decision dated March 26, 1938, is deleted.

FRED W. JOHNSON,  
*Director.*

Approved: August 15, 1947.

OSCAR L. CHAPMAN,  
*Under Secretary of the Interior.*

[F. R. Doc. 47-7932; Filed, Aug. 25, 1947; 8:45 a. m.]

### Appendix—Public Land Orders

[Public Land Order 394]

#### ALASKA AND CALIFORNIA

### AMENDING CERTAIN PUBLIC LAND ORDERS WITHDRAWING PUBLIC LANDS FOR USE OF DEPARTMENT OF COMMERCE

By virtue of the authority vested in the President and pursuant to Executive Order No. 9337 of April 24, 1943, (3 CFR Cum. Supp.) it is ordered as follows:

Public Land Orders Nos. 17 (July 21, 1942, 12 F. R. 495), 19 (Aug. 4, 1942, 12 F. R. 494), 42 (Sept. 18, 1942, 3 CFR Cum. Supp. Chap. I App.), and 151 (July 19, 1943, 12 F. R. 495), withdrawing certain public lands in Alaska and California for the use of the Department of Commerce in the maintenance of air-navigation facilities, are hereby amended by adding thereto the following paragraph:

The jurisdiction granted by this order shall cease at the expiration of the six months' period following the termination of the unlimited national emergency declared by Proclamation No. 2487 of May 27, 1941 (55 Stat. 1647). Thereupon, jurisdiction over the lands hereby reserved shall be vested in the Department of the Interior, and any other department or agency of the Federal Government according to their respective interests then of record. The lands, however, shall remain withdrawn from appropriation as herein provided until otherwise ordered.

The penultimate paragraph of the said Public Land Order No. 151, relating to the return of jurisdiction over the lands withdrawn by the order, is hereby revoked.

OSCAR L. CHAPMAN,  
*Under Secretary of the Interior.*

AUGUST 15, 1947.

[F. R. Doc. 47-7935; Filed, Aug. 25, 1947; 8:49 a. m.]



[Public Land Order 395]

## OHIO

## TRANSFERRING JURISDICTION OVER OIL AND GAS DEPOSITS IN CERTAIN LAND OWNED BY UNITED STATES

Whereas the hereinafter-described land, title to which has been acquired by the United States, and which is embraced in the Muskingum County Watershed Conservancy District, Fairfield and Dover Townships, Tuscarawas County, Ohio, and is under the jurisdiction of the War Department, is reported to be subject to drainage of its oil and gas deposits by wells on adjacent lands held in private ownership; and

Whereas it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage of such deposits from the land; and

Whereas in order to facilitate such action it is considered advisable that jurisdiction over the oil and gas deposits in such land be transferred to the Department of the Interior; and

Whereas such transfer of jurisdiction has the concurrence of the Secretary of War:

Now therefore, by virtue of the authority vested in the President and pursuant to Executive Order 9337 of April 24, 1943 (3 CFR, Cum. Supp.) it is ordered as follows:

(1) The jurisdiction over the oil and gas deposits in the following described land is hereby transferred from the War Department to the Department of the Interior:

Beginning at the point of intersection of the south line of Lot 31 with the west right-of-way line of the original location of the Pennsylvania Railroad, which point is North eighty-five degrees and seven minutes West (N. 85°07' W.) one thousand and forty and two-tenths (1040.2) feet from an iron pin at the southeast corner of Lot 31; thence from this point of beginning, along the south line of Lot 31, North eighty-five degrees and seven minutes West (N. 85°07' W.) five hundred and sixty-five and five-tenths (565.5) feet to an iron pin on the tow path of the Ohio Canal; thence along the said tow path the following nine (9) courses, first, North forty-two degrees and twenty-three minutes East (N. 42°23' E.) one hundred and forty-two and six-tenths (142.6) feet, thence North fifty-two degrees and fifty-nine minutes East (N. 52°59' E.) one hundred and thirty and two-tenths (130.2) feet, thence North, forty-eight degrees and fifty-one minutes East (N. 48°51' E.) one hundred and sixty-eight (168) feet, thence North forty-two degrees and forty-five minutes East (N. 42°45' E.) two hundred and ninety-eight and four-tenths (298.4) feet, thence North fifty degrees and forty-three minutes East (N. 50°43' E.) two hundred and six and seven-tenths (206.7) feet, thence North fifty-three degrees and thirty-four minutes East (N. 53°34' E.) four hundred and eighty-nine and seven-tenths (489.7) feet, thence North fifty-five degrees and eighteen minutes East (N. 55°18' E.) two hundred and thirty-six and eight-tenths (236.8) feet, thence North sixty degrees and eighteen minutes East (N. 60°18' E.) three hundred and twenty-seven and six-tenths (327.6) feet, and thence North forty-five degrees and fifty minutes East (N. 45°50' E.) two hundred and twenty-four and five-tenths (224.5) feet to an iron pin on the east line of Lot 31 which is also the east line of Dover Township; thence along the said east line of Lot 31,

North four degrees and forty-eight minutes East (N. 4°48' E.) one thousand two hundred and sixty (1260) feet more or less to the northeast corner of Lot 31, Township Nine (9) North Range Two (2) West which is the southwest corner of the northwest quarter of Section 6, Township Nine (9) North Range One (1) West; thence along the west line of Section 6, which is also the west line of Fairfield Township, North four degrees and fifty-two minutes East (N. 4°52' E.) three hundred and thirty (330) feet; thence South eighty-five degrees and eight minutes East (S. 85°08' E.) four hundred and fourteen and eight-tenths (414.8) feet; thence South four degrees and seven minutes West (S. 4°07' W.) three hundred and thirty (330) feet to a point on the south line of the said northwest quarter; thence along south line of said northwest quarter said section 6 to south west corner of southeast quarter northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$ ); thence along west line of said southeast quarter northwest quarter to the northwest corner of southeast quarter northwest quarter; thence along north line of said southeast quarter northwest quarter to the northeast corner of southeast quarter northwest quarter; thence North three degrees and forty minutes East (N. 3°40' E.) along west line of northeast quarter said section 6 two hundred and eighty (280) feet more or less to a point on the west bank of the Ohio Canal; thence along the said west bank of the canal, North thirty-one degrees and eighteen minutes East (N. 31°18' E.) one thousand two hundred and nine and five-tenths (1209.5) feet to a point on the north line of Section 6; thence along the said north line, South eighty-six degrees and fourteen minutes East (S. 86°14' E.) six hundred and seventy-eight and six-tenths (678.6) feet to a point on the west right-of-way line of the original location of the Pennsylvania Railroad; thence continuing along said north line of section 6 one hundred twenty-three and fifty-six hundredths (123.56) feet to its point of intersection with the west right of way line of the relocation of the Pennsylvania Railroad, which point is North eighty-six degrees and fourteen minutes West (N. 86°14' W.) a distance of one thousand three hundred and four and ninety-one hundredths (1304.91) feet from a stone at the northeast corner of said Section 6; thence along the said west right of way line of the relocation, the following eleven (11) courses, first, parallel to and sixty (60) feet northwesterly from the center line of said relocation, South thirty-one degrees and sixteen minutes West (S. 31°16' W.) two hundred and sixty and sixty-two hundredths (260.62) feet, thence along an offset South fifty-eight degrees and forty-four minutes East (S. 58°44' E.) twenty-five (25) feet, thence South thirty-one degrees and sixteen minutes West (S. 31°16' W.) two hundred and forty-six and thirty-eight hundredths (246.38) feet, thence along a curve to the left having a radius of one thousand nine hundred and forty-five and sixty-four hundredths (1945.64) feet, for a distance of two hundred and ninety-five and ninety-eight hundredths (295.98) feet, thence parallel to and thirty-five (35) feet northwesterly from the centerline of the said relocation, South twenty-two degrees and thirty-three minutes West (S. 22°33' W.) two hundred and sixty-three and seven hundredths (263.07) feet, thence South thirty-nine degrees and no minutes West (S. 39°00' W.) one hundred and seventy-six and fifty-four hundredths (176.54) feet, thence parallel to and eighty-five (85) feet northwesterly from the centerline of the said relocation, South twenty-two degrees and thirty-three minutes West (S. 22°33' W.) eighty (80) feet, thence along a curve to the right having a radius of one thousand eight hundred and twenty-five and sixty-four hundredths (1825.64) feet, for a distance of three hundred and sixteen and eighteen hundredths (316.18) feet, thence South ten

degrees and fifty-seven minutes West (S. 10°57' W.) one hundred and twenty-seven and twenty-six hundredths (127.26) feet, thence parallel to and thirty-five (35) feet northwesterly from the centerline of said relocation, South thirty-four degrees and fifty-two minutes West (S. 34°52' W.) one thousand (1000) feet, and thence South seventy-seven degrees and thirty minutes West (S. 77°30' W.) ninety-nine and sixty-four hundredths (99.64) feet to a point on the center line of the original location of the Pennsylvania Railroad; thence along the said center line of the original location, approximately South thirty-three degrees West (S. 33° W.) two hundred and sixty (260) feet to a point on the west right of way line of the relocation of the Pennsylvania Railroad; thence along the said west right of way line of the relocation, the following fifteen (15) courses, first, South fourteen degrees and twenty minutes West (S. 14°20' W.) two hundred and eighty (280) feet, thence southwesterly, parallel to and thirty-five (35) feet northwesterly from the centerline of the said relocation, along a curve to the right having a radius of one thousand six hundred and three and one-tenth (1503.1) feet, for a distance of five hundred and fifty-nine and sixty-seven hundredths (559.67) feet, thence South sixty degrees and fifty-five minutes West (S. 60°55' W.) four hundred and forty-four and ninety-three hundredths (444.93) feet, thence along a curve to the left having a radius of one thousand nine hundred and forty-five and sixty-four hundredths (1945.64) feet, for a distance of ninety-two and nine hundredths (92.09) feet, thence parallel to and seventy-five (75) feet northeasterly from the axis of the Dover Dam, South thirty-seven degrees and thirty-eight minutes East (S. 37°38' E.) eight and sixteen hundredths (8.16) feet, thence southwesterly, crossing the axis of the Dover Dam, along a curve to the left having a radius of two thousand five hundred and sixty-nine and sixty-four hundredths (2569.64) feet, for a distance of one hundred and fifty and three-tenths (150.3) feet, thence parallel to and seventy-five (75) feet southwesterly from the axis of the Dover Dam, North thirty-seven degrees and thirty-eight minutes West (N. 37°38' W.) eight and eighty-two hundredths (8.82) feet, thence southwesterly along a curve to the left having a radius of one thousand nine hundred and forty-five and sixty-four hundredths (1945.64) feet, for a distance of one hundred and seventy-three and seventy-six hundredths (173.76) feet, thence parallel to and thirty-five (35) feet northwesterly from the centerline of the said relocation, South forty-eight degrees and forty minutes West (S. 48°40' W.) two hundred (200) feet, thence along an offset North forty-one degrees and twenty minutes West (N. 41°20' W.) forty-five (45) feet, thence South forty-two degrees and twenty-seven minutes West (S. 42°27' W.) two hundred and seventy-six and seventy-five hundredths (276.75) feet, thence southwesterly parallel to and fifty (50) feet northwesterly from the centerline of said relocation, along a curve to the right having a radius of two thousand eight hundred and fourteen and ninety-three hundredths (2814.93) feet, for a distance of three hundred and nineteen and thirty-two hundredths (319.32) feet, thence along a radial line of the curve South thirty-four degrees and fifty minutes East (S. 34°50' E.) fifteen (15) feet, thence continuing southwesterly along a curve to the right having a radius of two thousand eight hundred and twenty-nine and ninety-three hundredths (2829.93) feet, for a distance of fifty-four and thirty-one hundredths (54.31) feet, and thence South fifty-six degrees and sixteen minutes West (S. 56°16' W.) three hundred and fifty-two and eighty-three hundredths (352.83) feet to the west line of said section 6, at its point of intersection with the west right of way line of the relocation of the Pennsylvania Railroad, the said point



being North four degrees and forty-eight minutes East (N. 4°48' E.) a distance of seven hundred and ninety-one (791) feet from an iron pin at the southwest corner of said section 6; thence along the said west right of way line of the relocation, the following three (3) courses, first, parallel to and thirty-five (35) feet northwesterly from the centerline of the said relocation, South fifty-six degrees and sixteen minutes West (S. 56°16' W.) one hundred and seventeen and seventeen hundredths (117.17) feet, thence along an offset, North thirty-three degrees and forty-four minutes West (N. 33°44' W.) fifty (50) feet, and thence South fifty-six degrees and sixteen minutes West (S. 56°16' W.) two hundred and fifty feet (250) feet, thence along the said west right of way line of the relocation, the following five courses, first, along the said offset South thirty-three degrees and forty-four minutes East (S. 33°44' E.) fifty (50) feet, thence parallel to and fifty (50) feet northwesterly from the centerline of said relocation, South fifty-six degrees and sixteen minutes West (S. 56°16' W.) three hundred (300) feet, thence along an offset South thirty-three degrees and forty-four minutes East (S. 33°44' E.) fifteen (15) feet, thence South fifty-six degrees and sixteen minutes West (S. 56°16' W.) two hundred and twenty-eight and forty-nine hundredths (228.49) feet, and thence along a curve to the left having a radius of one thousand six hundred and seventy-three and one-tenth (1673.1) feet for a distance of three hundred and thirty-one and three-tenths (331.3) feet to the south line of Lot 31, thence North eighty-five degrees and seven minutes West (N. 85°07' W.) ninety-seven and ninety-five hundredths (97.95) feet to the point of beginning, exclusive of the right of way of the original location of the Pennsylvania Railroad, containing in all 136.81 acres.

(2) The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss of oil and gas on account of drainage from such land.

(3) The jurisdiction of the Department of the Interior over such land shall be subject to the primary jurisdiction of the War Department over the land.

(4) All money received as royalties or otherwise on account of oil and gas extracted from such lands shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

G. GIRARD DAVIDSON,  
Assistant Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-7936; Filed, Aug. 25, 1947; 8:49 a. m.]

[Public Land Order 396<sup>1</sup>]

#### ALASKA

MODIFYING EXECUTIVE ORDER NO. 1919; OF APRIL 21, 1914, AS AMENDED, WHICH WITHDRAWS CERTAIN LANDS FOR TOWNSITE PURPOSES, AND EXCLUDING CERTAIN LANDS FROM THE CHUGACH NATIONAL FOREST

By virtue of the authority vested in the President by section 1 of the act of March 12, 1914, 38 Stat. 305, 307, (U. S. C., Title 48, secs. 303 and 304), and by the act of June 4, 1897, 30 Stat.

<sup>1</sup>For notice for filing objections, see Bureau of Land Management, Department of the Interior, Notices section, *infra*.

11, 36 (U. S. C., Title 16, sec. 473), and pursuant to Executive Order No. 9337 of April 24, 1943, it is ordered as follows:

The following-described lands at Passage Canal (Portage Bay) are hereby reserved for the use of the Alaska Railroad as a Terminal Reserve and Executive Order No. 1919½ of April 21, 1914, as amended by Public Land Order No. 219 of March 28, 1944 (43 CFR, 1944 Supp., Chap. I, App.), which reserves certain lands for townsites purposes is modified accordingly:

Beginning at Corner No. 1 identical with Corner No. 1 of U. S. Survey No. 2559, Whittier Townsite, Alaska, from which survey station 24 plus 44.45 in the center line of The Alaska Railroad, Passage Canal connection bears N. 11°09' E., 250.65 feet, and U. S. L. M. No. 2559 bears S. 78°51' E., 971.83 feet, latitude 60°46'30" N., longitude 148°43'20" W.

From the initial point,

South, 1625.78 feet to Corner No. 2, identical with Corner No. 2 of U. S. Survey No. 2559; West, 200.00 feet to Corner No. 3;

North, 615.38 feet to Corner No. 4; N. 28°00' W., 1393.46 feet to Corner No. 5, from which survey station 33 plus 25.00 in the center line of the main track of the Alaska Railroad bears N. 11°09' E., 200.00 feet;

Northwesterly 1275.80 feet, 200 feet from, and parallel to, the center line of the main track, to Corner No. 6, from which a point in the center line of the main track at the station equation 46 plus 28.75 equals 46 plus 43.25 bears N. 3°09' E., 200 feet;

N. 3°09' E., 100.00 feet, to Corner No. 7; Southwesterly, 2504.26 feet, 100 feet from, and parallel to, the center line of the main track, to Corner No. 8, from which survey station 70 plus 00 bears N. 55°14' E., 185.95 feet;

S. 55°14' W., 692.06 feet to Corner No. 9; N. 71°18' W., 640.00 feet to Corner No. 10; S. 78°42' W., 1760 feet to Corner No. 11; N. 38°16' W., 825.46 feet to Corner No. 12; from which survey station 104 plus 00 bears N. 18°42' E., 980.00 feet;

N. 18°42' E., 3116.27 feet to Corner No. 13; East 1320.00 feet to Corner No. 14; S. 73°00' E., 860.00 feet to Corner No. 15, a point on the mean high water line, Passage Canal;

Southeasterly, 3500 feet, along the line of mean high water, Passage Canal, to Corner No. 16, from which survey station 66 plus 00 in the center line of the main track, Alaska Railroad, bears S. 16°33' E., 100 feet;

Northeasterly, 1991.22 feet, 100 feet from, and parallel to, the center line of the main track, to Corner No. 17, from which a point in the center line of the main track at the station equation 46 plus 28.75 equals 46 plus 43.25 bears S. 3°09' W., 100 feet;

N. 3°09' E., 100 feet to Corner No. 18; Southeasterly 1467.64 feet, 200 feet from, and parallel to, the center line of the main track, to Corner No. 19, a point on the mean high water line, Passage Canal, from which survey station 31 plus 89.00 bears S. 11°09' W., 200 feet;

Easterly, 4050.00 feet, along the line of mean high water, Passage Canal, to Corner No. 20, from which survey station 3 plus 00.00 in the center line of the main track bears S. 3°52' E., 115.00 feet, and 100.00 feet from the center line of No. 1 Dock Track;

Northeasterly, 3913.29 feet, 100 feet from, and parallel to, the center line of No. 1 Dock Track and a prolongation thereof, to Corner No. 21, a point on the mean high water line, Passage Canal;

Northeasterly and southerly, 940.00 feet, along the line of mean high water, around a point of land and across the mouth of Cove Creek, to Corner No. 22, a point on the east

boundary of Passage Canal Townsite with-drawal described in Executive Order No. 1919½, April 21, 1914, from which Corner No. 7, U. S. Survey No. 2559 bears south 1204.88 feet and west 2032.85 feet;

South 1370.00 feet, along the east boundary of townsite withdrawal, to Corner No. 23;

West 1920.00 feet to Corner No. 24, from which Corner No. 7, U. S. Survey No. 2559 bears N. 34°21' W., 200.00 feet;

N. 34°21' W., 640.00 feet to Corner No. 25, identical with Corner No. 8, U. S. Survey No. 2559, from which survey station minus 11 plus 96.34 in the center line of the main track, bears N. 34°21' W., 200 feet;

S. 55°39' W., 1565.74 feet, to Corner No. 26, identical with Corner No. 9, U. S. Survey No. 2559;

N. 78°51' W., 2298.48 feet to Corner No. 1, the point of beginning.

The tract as described contains 382.24 acres.

The above-described lands, and those designated as United States Survey No. 2559 of Whittier Townsite, comprising 72.72 acres, are hereby excluded from the Chugach National Forest, established by the Proclamation of July 23, 1907, 35 Stat. 2149. This order shall not affect valid existing rights.

C. GIRARD DAVIDSON,  
Acting Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-7938; Filed, Aug. 25, 1947; 8:44 a. m.]

## TITLE 49—TRANSPORTATION AND RAILROADS

### Chapter I—Interstate Commerce Commission

[4th Rev. S. O. 180, Amdt. 16]

#### PART 95—CAR SERVICE

##### DEMURRAGE ON REFRIGERATOR CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 20th day of August A. D. 1947.

Upon further consideration of Fourth Revised Service Order No. 180 (49 CFR 95.330) as amended (10 F. R. 14970; 11 F. R. 1627, 1991, 3605, 4038, 9453, 10091, 11707, 12395; 12 F. R. 1421, 3032, 3672, 4028, 4269, 4720), and good cause appearing therefor: *It is ordered, That:*

Fourth Revised Service Order No. 180, as amended, be, and it is hereby suspended from 7:00 a. m., August 25, 1947, until further order of this Commission. In lieu thereof the rules, regulations and charges provided in lawfully-published tariffs shall apply.

*It is further ordered, That* a copy of this order and direction shall be served upon each State Commission and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.



(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-7947; Filed, Aug. 25, 1947;  
8:45 a. m.]

[Rev. S. O. 188, Amdt. 14]

#### PART 95—CAR SERVICE

#### REFRIGERATOR CAR DEMURRAGE ON STATE BELT RAILROAD OF CALIFORNIA

At a session of the Interstate Commerce Commission, Division 3, held at

its office in Washington, D. C., on the 20th day of August, A. D. 1947.

Upon further consideration of Revised Service Order No. 188 (49 CFR, 95, 334) as amended (10 F. R. 15175, 11 F. R. 1626, 3605, 4038, 7043, 9453, 10092; 12 F. R. 1420, 3033, 3672, 3673, 4269, 4720), and good cause appearing therefor: *It is ordered, That:*

Revised Service Order No. 188, as amended, be, and it is hereby suspended from 7:00 a. m., August 25, 1947, until further order of this Commission. In lieu thereof the rules, regulations and charges provided in lawfully-published tariffs shall apply.

*It is further ordered, That a copy of this order and direction shall be served*

upon the California State Railroad Commission and upon the State Belt Railroad of California; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(40 Stat. 101, sec. 402, 41 Stat. 476, sec. 4, 54 Stat. 901; 49 U. S. C. 1 (10)-(17))

By the Commission, Division 3.

[SEAL]

W. P. BARTEL,  
Secretary.

[F. R. Doc. 47-7946; Filed, Aug. 25, 1947;  
8:45 a. m.]

## PROPOSED RULE MAKING

### CIVIL AERONAUTICS BOARD

#### [14 CFR, Part 43]

#### FLIGHT AREA LIMITATIONS

#### NOTICE OF PROPOSED RULE MAKING

AUGUST 20, 1947.

Part 20 of the Civil Air Regulations provides that graduates of certificated flying schools be permitted privileges of exemption from certain requirements of that part which otherwise would be applicable. Such privileges are accorded in view of the high standards of personnel, equipment, and curriculum required for certificated flying schools and the specialized instruction thus afforded.

In view of such existing requirements, proposal is herein made to permit a student pilot in a certificated flying school to operate an aircraft outside of a local flying area designated by his instructor, prior to having acquired 10 solo flight

hours, when he is deemed competent to do so by the flying school concerned. The proposed amendment will expedite student training in certificated flying schools, particularly in cases involving flight instruction in two-control aircraft, without adversely affecting existing safety standards.

Pursuant to section 4 (a) of the Administrative Procedure Act the Safety Bureau of the Civil Aeronautics Board will recommend to the Board that the following amendment to the Civil Air Regulations be adopted with an effective date 30 days after the date of adoption:

Amend § 43.52, *Flight area limitations*, to read as follows:

§ 43.52 *Flight area limitations.* A student shall not pilot an aircraft outside a local flying area designated by his flight instructor until:

(a) He has had at least 10 solo flight hours or, if enrolled in and receiving

flying instruction from an approved air agency, he is deemed competent by such agency, and

(b) His student pilot certificate has been appropriately endorsed by a flight instructor.

This regulation is proposed under authority of Title VI of the Civil Aeronautics Act of 1938, as amended.

The Safety Bureau requests written comment regarding this proposal to be submitted to the Safety Bureau, Civil Aeronautics Board, Washington 25, D. C., within 15 days from the date of this public notice.

(52 Stat. 984, 1007; 49 U. S. C. 425, 551)

By the Safety Bureau.

[SEAL]

JOHN M. CHAMBERLAIN,  
Acting Director.

[F. R. Doc. 47-7948; Filed, Aug. 25, 1947;  
8:46 a. m.]

## NOTICES

### DEPARTMENT OF THE INTERIOR

#### Bureau of Land Management

[Misc. 1606472]

#### ALASKA

#### AMENDMENT OF NOTICE OF FILING PLATS OF SURVEY ISSUED JULY 29, 1947

AUGUST 18, 1947.

The first paragraph and paragraph (c) of the notice of filing of plats of survey in Alaska, covering T. 5 N., R. 8 W., Seward Meridian, and other townships and parts of townships (12 F. R. 5311), are amended by eliminating the word "settlement" where it occurs in each of such paragraphs.

FRED W. JOHNSON,  
Director.

[F. R. Doc. 47-7933; Filed, Aug. 25, 1947;  
8:49 a. m.]

#### ALASKA

#### NOTICE FOR FILING OBJECTIONS TO PUBLIC LAND ORDER 396<sup>1</sup> RESERVING PUBLIC LANDS FOR USE OF ALASKA RAILROAD

Notice is hereby given that for a period of 30 days from the date of publication of this notice, persons having cause to object to the terms of Public Land Order 396, of August 19, 1947, reserving certain lands withdrawn for townsite purposes for the use of The Alaska Railroad as a Terminal Reserve, at Passage Canal (Portage Bay), and excluding such lands and those designated as United States Survey No. 2559 of Whittier Townsite, from the Chugach National Forest, may present their objections to the Secretary of the Interior. Such objections should be in writing, should be addressed to the Secretary of the Interior, and should be

filed in duplicate in the Department of the Interior, Washington 25, D. C.

In case any objection is filed and the nature of the opposition is such as to warrant it, a public hearing will be held at a convenient time and place, which will be announced, where opponents to the order may state their views and where the proponents of the order can explain its purpose, intent and extent. Should any objection be filed, whether or not a hearing is held, notice of the determination by the Secretary as to whether the order should be rescinded, modified or let stand will be given to all interested parties of record and the general public.

C. GIRARD DAVIDSON,  
Acting Secretary of the Interior.

AUGUST 19, 1947.

[F. R. Doc. 47-7937; Filed, Aug. 25, 1947;  
8:44 a. m.]

<sup>1</sup> Title 43, Appendix, *supra*.



# FEDERAL COMMUNICATIONS COMMISSION

MACKAY RADIO AND TELEGRAPH CO. ET AL.

## NOTICE OF ORAL ARGUMENT

Beginning at ten o'clock a. m. on October 1, 1947, the Commission will hear oral argument, in Room 6121 of the offices of the Commission, on the following matters in the order indicated:

### 1st Argument

7094—In the matter of Radiotelegraph circuits between the United States and British Commonwealth and certain other foreign points.

7412—In the matter of Applications of Mackay Radio and Telegraph Company, Inc., RCA Communications, Inc., Tropical Radio Telegraph Company, Press Wireless, Inc. For Modification of License for authority to communicate with British Commonwealth and certain other foreign points.

### 1st Argument

Docket No.			
7928, 7929 (KMED)	Mrs. W. J. Virgin, Assignor, Gibson Broad-	For Assignment of Li-	
	casting Co., Assignee.	cense of KMED.	
B5-APH-8, B5-AL-536	Medford Radio Corp., Assignee, Medford,		
	Oreg.		

### 2d Argument

6807	WJIM, Inc., Lansing, Mich.	550 kc, 1 kw, U.
7401	Cincinnati Times-Star Co. (WKRC) Cin-	550 kc, 5 kw, U.
	cinnati, Ohio.	

### 3d Argument

7087	Norfolk Broadcasting Corp., Norfolk, Va.	1220 kc, 250 w, Day
7390	Tidewater Broadcasting Corp., Norfolk, Va.	1230 kc, 100 w, U.

### 4th Argument

7425	Lycoming County Broadcasting Co., Wil-	1340 kc, 250 w, U.
	liamsport, Pa.	
7427	Williamsport Radio Broadcasting Associ-	1340 kc, 250 w, U.
	ates, Williamsport, Pa.	

Dated: August 15, 1947.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7955; Filed, Aug. 25, 1947;  
8:50 a. m.]

[Docket Nos. 8489, 8490]

INDEPENDENT BROADCASTING CO. INC.  
(WIBK)

ORDER DESIGNATING APPLICATIONS FOR HEAR-  
ING ON STATED ISSUES

In re applications of Independent Broadcasting Company, Inc. (WIBK), Knoxville, Tennessee, for FM construction permit, File No. BPH-1146, Docket No. 8489; for AM broadcast license, File No. BL-2550, Docket No. 8490.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 14th day of August 1947;

The Commission having under consideration the above-entitled applications requesting (1) a construction permit for a new Class B FM broadcast station at

### 2d Argument

8465—TI-SA-680, TI-SA-658, TI-SA-659, TI-SA-657—In the matter of Mackay Radio and Telegraph Company Applications for Special Temporary Authorizations to communicate with Helsinki, Finland; Lisbon, Portugal; Paramaribo, Surinam; and The Hague, Netherlands.

Dated: August 15, 1947.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7954; Filed, Aug. 25, 1947;  
8:50 a. m.]

MRS. W. J. VIRGIN ET AL.

## NOTICE OF ORAL ARGUMENT

Beginning at 10 o'clock a. m. on October 2, 1947, the Commission will hear oral argument, in Room 6121 of the offices of the Commission, on the following matters in the order indicated:

It is ordered, That, pursuant to section 309 (a) and 319 (b) of the Communications Act of 1934, as amended, the applications of Independent Broadcasting Company, Inc., for an FM construction permit (File No. BPH-1146) and for an AM broadcast license covering construction permit (File No. BL-2550) be, and they are hereby, set for hearing at a time and place to be designated by subsequent order of the Commission upon the following issues:

1. To determine the legal, financial, and other qualifications of the applicant, its officers, directors, and stockholders to construct and operate the proposed AM and FM broadcast stations.

2. To determine whether the statements and representations made in the various applications, documents, and reports filed with the Commission on behalf of the applicant by its officers, directors, and agents have fully and accurately reflected the facts concerning the ownership, operation, control, and financing of the proposed AM and FM broadcast stations.

3. To determine whether all contracts, obligations, undertakings, and agreements which have been entered into by the applicant or by its officers, directors, and stockholders, with respect to the ownership, operation, financing and control of the applicant corporation, have been reported to the Commission as required by its rules and regulations.

4. To determine whether the construction permit granted to the applicant corporation, or the rights and responsibilities incident thereto, have been transferred, assigned, or disposed of, directly or indirectly, without the consent of the Commission, under the provisions of the Communications Act of 1934, as amended, particularly section 310 (b) thereof.

5. To determine whether the applicant, its officers, directors or stockholders, in applications filed with the Commission, have misrepresented or failed to make full disclosure of the business, financial or other interests of the said officers, directors and stockholders, particularly with regard to the interest of J. Harold Smith in Station XERF, Via Cuna, Mexico, or any other foreign broadcast station.

6. To determine the type and character of program services proposed to be rendered and whether they would meet the requirements of the populations and areas proposed to be served.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7959; Filed, Aug. 25, 1947;  
8:50 a. m.]

SCRIPPS-HOWARD RADIO, INC. ET AL.

## NOTICE OF ORAL ARGUMENT

Beginning at 10 o'clock a. m. on October 3, 1947, the Commission will hear oral argument, in Room 6121 of the offices of the Commission, on the following matters in the order indicated:



## 1st Argument

## Docket No.

- 6971 (WCPO)----- Scripps-Howard Radio, Inc., Cincinnati, Ohio. 630 kc, 1 kw N., 5 kw D, Unlimited.
- 6972----- Queen City Broadcasting, Inc., Cincinnati, Ohio. 630 kc, 1 kw N., 5 kw D, DA-U.
- 6973 (WLAP)----- American Broadcasting Corp., Lexington, Ky. 630 kc, 1 kw N., 5 kw D, DA-U.

## 2d Argument

- 6839----- Coast Ventura Co., Ventura, Calif. 1450 kc, 250 w Unlimited.
- 6840----- Ventura Broadcasters, Inc., Ventura, Calif. 1450 kc, 250 w Unlimited.

## 3d Argument

- 7254----- Earle C. Anthony, Los Angeles, Calif. Petition on Los Angeles Television Channel Assignments.  
(This action supersedes the action of the Commission on July 28, 1947, scheduling oral argument for August 25, 1947.)

## 4th Argument

- 6626----- Broadcasting Service Organizations, Inc., Boston, Mass. (WORL). Petition for reconsideration on rehearing.  
(This action supersedes the action of the Commission on July 28, 1947, scheduling oral argument for September 25, 1947.)

Dated: August 15, 1947.

## FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7956; Filed, Aug. 25, 1947;  
8:50 a. m.]

AM STATION KSMA, SANTA MARIA, CALIF.  
PUBLIC NOTICE CONCERNING THE PROPOSED  
ASSIGNMENT OF LICENSE<sup>1</sup>

The Commission hereby gives notice that on August 13, 1947 there was filed with it an application (BAL-633) for its consent under section 310 (b) of the Communications Act to the proposed assignment of license of AM Station KSMA, Santa Maria, California, from Hugh G. Shurtliff, Charles A. Shurtliff, Mareby Cardella (Della) Shurtliff and Cleo Agnes Center, a partnership, to Santa Maria Broadcasting Company, a corporation. The proposal to assign the license arises out of a contract of July 7, 1947 pursuant to which the above-named partnership agrees to sell and the above-named corporation agrees to buy all the station assets and properties of station KSMA for a total consideration of \$32,500 (subject to the assumption by the purchasers of the difference between current income and operating expenses between August 1, 1947 and the closing date) to be paid as follows: \$5,000 in cash deposited in escrow on July 7, 1947, and the remaining \$27,500 to be paid in escrow within 15 days after Commission consent to the instant assignment. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

<sup>1</sup> Section 1.321, Part I, Rules of Practice and Procedure.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on August 13, 1947 that starting on August 20, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at Santa Maria, California in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from August 20, 1947 within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Section 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

## FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7960; Filed, Aug. 25, 1947;  
8:50 a. m.]

## AM STATION WVOS, LIBERTY, N. Y.

PUBLIC NOTICE CONCERNING THE PROPOSED  
ASSIGNMENT OF PERMIT<sup>1</sup> AND/OR LICENSE

The Commission hereby gives notice that on August 12, 1947, there was filed with it an application (BAP-63) for its consent under section 310 (b) of the Communications Act to the proposed assignment of construction permit and/or license of AM station WVOS, Liberty, New York, from Bernard K. Johnpoll to Sullivan County Broadcasting Corporation. The proposal to assign the permit and/or license arises out of a contract of July 21, 1947, pursuant to which the seller agrees to sell and the buyer agrees to buy all the assets and properties of WVOS for a total consideration of \$22,020.23 (rep-

resenting the total amount of the assignor's investment in the station to date) plus an additional amount, not to exceed \$4,000 (representing the amount the assignor will have spent for completion of the construction of the station), said amounts to be paid as follows at the election of the assignor: Either (1) all in cash at date of closing or (2) assumption by the assignee of all existing chattel mortgages on equipment in the station and all mortgages on the real estate plus the assumption of all obligations outstanding and incurred in connection with the station, the balance to be paid in cash. Further information as to the arrangements may be found with the application and associated papers which are on file at the offices of the Commission in Washington, D. C.

Pursuant to § 1.321 which sets out the procedure to be followed in such cases including the requirement for public notice concerning the filing of the application, the Commission was advised by applicant on August 15, 1947 that starting on August 19, 1947 notice of the filing of the application would be inserted in a newspaper of general circulation at Liberty, New York in conformity with the above rule.

In accordance with the procedure set out in said rule, no action will be had upon the application for a period of 60 days from August 19, 1947, within which time other persons desiring to apply for the facilities involved may do so upon the same terms and conditions as set forth in the above described contract.

(Sec. 310 (b), 48 Stat. 1086; 47 U. S. C. A. 310 (b))

## FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7961; Filed, Aug. 25, 1947;  
8:51 a. m.]

[Docket No. 6741]

CLEAR CHANNEL BROADCASTING IN THE  
STANDARD BROADCAST BAND

## ORDER CONTINUING HEARING

It is ordered, This 14th day of August 1947, on the Commission's own motion, that the hearing in the above-entitled matter be continued until October 14, 1947, at 10:00 a. m.

By the Commission.

[SEAL] T. J. SLOWIE,  
Secretary.

[F. R. Doc. 47-7958; Filed, Aug. 25, 1947;  
8:50 a. m.]

PATRICK JOSEPH STANTON ET AL.

## NOTICE OF ORAL ARGUMENT

Beginning at 10 o'clock a. m. on October 6, 1947, the Commission will hear oral argument, in Room 6121 of the offices of the Commission, on the following matters in the order indicated:



## Docket No.

7646.....Patrick Joseph Stanton, Philadelphia Area..... Class "B" FM.

## 2d Argument

7462.....The Yankee Network, Inc., Bridgeport, Conn.....  
 7463.....The Traveler's Broadcasting Service Corp., Bridgeport, Conn.....  
 7464.....Harry F. Guggenheim, Bridgeport, Conn.....  
 7465.....Harold Thomas, Bridgeport, Conn.....  
 7745.....The Bridgeport, Herald Corp., Bridgeport, Conn.....  
 7908.....The Fairfield Broadcasting Co., Danbury, Conn.....

Class "B" FM.

## 3d Argument

7038.....United Broadcasting Co., Cleveland, Ohio.....  
 7039.....National Broadcasting Co., Inc., Cleveland, Ohio.....  
 7040.....WJW, Inc., Cleveland, Ohio.....  
 7042.....UAW-CIO Broadcasting Corp. of Ohio, Cleveland, Ohio.....  
 7043.....WGAR Broadcasting Co., Cleveland, Ohio.....  
 7044.....Scripps-Howard Radio, Inc., Cleveland, Ohio.....  
 7045.....Telair Co., Cleveland, Ohio.....  
 7046.....Cleveland Broadcasting Co., Cleveland, Ohio.....  
 7047.....Allen T. Simmons, Akron, Ohio.....  
 7048.....Summit Radio Corp., Akron, Ohio.....  
 7522.....Elyria-Lorain Broadcasting Co., Elyria, Ohio.....

Class "B" FM.

Dated: August 15, 1947.

FEDERAL COMMUNICATIONS  
COMMISSION,[SEAL] T. J. SLOWIE,  
Secretary.[F. R. Doc. 47-7957; Filed, Aug. 25, 1947;  
8:50 a. m.]

## FEDERAL POWER COMMISSION

[Docket Nos. G-776, G-810, G-820]

EASTERN INDIANA GAS CO. ET AL.

ORDER CONSOLIDATING PROCEEDINGS AND  
FIXING DATE OF HEARING

In the matters of Eastern Indiana Gas Company, Docket No. G-776; Summit Gas and Water Company, Inc., Docket No. G-810; Knightstown Natural Gas Company, Docket No. G-820.

Upon consideration of the following applications filed with the Commission pursuant to the provisions of section 7 of the Natural Gas Act, as amended:

(1) Application filed September 6, 1946, and the supplement thereto filed on November 1, 1946, at Docket No. G-776, by Eastern Indiana Gas Company (Eastern Indiana), an Indiana corporation having its principal office at Indianapolis, Indiana.

(2) Application filed on November 12, 1946, at Docket No. G-810, by Summit Gas and Water Company, Inc. (Summit), an Indiana corporation having its principal place of business at Mt. Summit, Indiana.

(3) Application filed on November 25, 1946, and the supplement thereto filed on January 24, 1947, at Docket No. G-820, by Knightstown Natural Gas Company (Knightstown Natural), an Indiana corporation having its principal place of business at Knightstown, Indiana.

It appears to the Commission that:

(a) Due notice of the filing of the applications has been given, including publication in the FEDERAL REGISTER on September 20, 1946, of notice of the application at Docket No. G-776, and on December 14, 1946, of notices of the applications at Docket Nos. G-810 and G-820, (11 F. R. 10617-10618, 14332-14333, and 14333-14334, respectively).

(b) Copies of the said applications at Docket G-776, G-810, and G-820 have been served on the Public Service Commission of Indiana.

(c) Copies of the application at Docket No. G-776 were served on Panhandle Eastern Pipe Line Company (Panhandle) and Indiana Gas and Water Company (Indiana Gas and Water) on September 20, 1946, which companies have filed responses with the Commission.

(d) Copies of the applications at Docket Nos. G-810 and G-820 were served on Panhandle, Eastern Indiana, and Indiana Gas and Water on December 12, 1946, which companies have filed responses with the Commission.

(e) The issues presented by the said applications, as supplemented, and other pleadings herein, in addition to the usual issues presented in certificate cases, include the following:

(1) Whether the proposed facilities, as designed and applied for, and the proposed methods of operation thereof are adequate to render the services proposed, and to meet the estimated demands for natural gas in the areas to be served.

(2) Whether the estimated costs of construction of the proposed facilities are reasonable and adequate and whether each applicant has available sufficient financial resources to construct the facilities respectively proposed.

(3) Whether there exists sufficient capacity in Indiana Gas and Water's 8-inch natural-gas transmission line, extending from its connection with Panhandle's natural-gas transmission facilities near Muncie, Indiana, to Newcastle, Indiana, to transport the additional volumes of gas contemplated by the applications at Docket Nos. G-776, G-810 and G-820, and, further, whether such proposed transportation by Indiana Gas and Water would impair its ability to render adequate service to its customers.

(4) Whether Indiana Gas and Water is engaged in the transportation of natural gas in interstate commerce, or the sale in interstate commerce of such gas for resale, and whether it is a "natural-gas company" within the meaning of the Natural Gas Act, as amended.

(5) Whether the issuance of orders, as requested by the respective applicants, directing the establishment of certain

physical connections of natural-gas transportation facilities, and directing the sale and delivery of natural gas to the said applicants, is necessary or desirable in the public interest, and whether the issuance of such orders would place upon any of such respondents any undue burden or impair their ability to render adequate service to their customers.

(f) For a more detailed statement of facts and law asserted, interested persons may refer to said applications and supplements and other pleadings filed in these proceedings, which may be inspected at the offices of the Federal Power Commission, Washington, D. C.

(g) Good cause exists for consolidating the proceedings at Docket Nos. G-776, G-810, and G-820 for the purpose of hearing.

The Commission therefore orders that:

(A) The proceedings at Docket Nos. G-776, G-810 and G-820 be and the same are hereby consolidated for the purpose of hearing.

(B) Pursuant to authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by section 7 and 15 of the Natural Gas Act, as amended, and the Commission's rules of practice and procedure (effective September 11, 1946), a public hearing be held on the 10th day of September, 1947, at 10:00 a. m. (cdst) in Room 216, Post Office and Court House Building, Indianapolis, Indiana, concerning the matters involved and the issues presented by the applications and other pleadings in these proceedings.

(C) Prior to the date herein fixed for the commencement of the public hearings, the officer designated by the Commission to preside at the public hearing, hold a prehearing conference of all parties participating in the proceedings concerning the matters of fact and law asserted in the applications and other pleadings filed in the proceedings, for the purpose of settling, simplifying or limiting the issues and further apprising the parties of the formulated or stipulated issues upon which evidence must be adduced at the public hearings, such prehearing conference to be held commencing on the 8th day of September at 10:00 a. m. (cdst) in Room 216, Post Office and Court House Building, Indianapolis, Indiana.

(D) Interested State commissions may participate as provided by Rules 8 and 37 (f) (18 CFR 1.8 and 1.37 (f)) of the said rules of practice and procedure.

Date of issuance: August 20, 1947.

By the Commission.

[SEAL] LEON M. FUQUAY,  
Secretary.[F. R. Doc. 47-7949; Filed, Aug. 25, 1947;  
8:49 a. m.]

[Docket No. IT-6077]

TEXAS ELECTRIC SERVICE CO. ET AL.

NOTICE OF ORDER APPROVING PERMANENT  
CONNECTION FOR EMERGENCY USE ONLY

AUGUST 21, 1947.

In the matter of Texas Electric Service Company, Texas Power &amp; Light Com-



pany, Dallas Power & Light Company, Docket No. IT-6077.

Notice is hereby given that, on August 20, 1947, the Federal Power Commission issued its order entered August 19, 1947, approving permanent connection for emergency use only in the above-designated matter.

[SEAL]

S. A. WALKER,  
Acting Secretary.

[F. R. Doc. 47-7950; Filed, Aug. 25, 1947;  
8:50 a. m.]

## FEDERAL TRADE COMMISSION

[File No. 21-406]

### WHOLESALE CONFECTIONERY INDUSTRY NOTICE OF HOLDING OF TRADE PRACTICE CONFERENCE

At a regular session of the Federal Trade Commission held at its office in the city of Washington, D. C., on the 20th day of August 1947.

Notice is hereby given that a Trade Practice Conference will be held by the Federal Trade Commission for the Wholesale Confectionery Industry in Room 332, Federal Trade Commission Building, Pennsylvania Avenue at Sixth Street NW., Washington, D. C., on September 19, 1947, commencing at 10:00 a. m., daylight saving time (9:00 a. m., e. s. t.).

The industry for which the conference is called is composed of the persons, firms, corporations and organizations engaged in the sale and distribution at wholesale of bulk candy, packaged candy, candy bars, chewing gum, and related confectionery items, as well as allied lines of merchandise. All members of the industry are cordially invited to attend or be represented at the conference.

The Conference and further proceedings in the matter will be directed toward the eventual establishment and promulgation by the Commission of trade practice rules for the industry under which unfair methods of competition, unfair or deceptive acts or practices, and other trade abuses, may be eliminated and prevented.

By direction of the Commission:

[SEAL]

OTIS B. JOHNSON,  
Secretary.

[F. R. Doc. 47-7951; Filed, Aug. 25, 1947;  
8:50 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 54-75, 70-726]

COMMONWEALTH & SOUTHERN CORP.  
(DELAWARE)

### ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Philadelphia, Pa., on the 19th day of August 1947.

The Commonwealth & Southern Corporation ("Commonwealth"), a registered holding company, having filed a declaration pursuant to the Public Util-

ity Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder, regarding the proposed payment of a dividend of \$3.00 per share or an aggregate of \$4,323,741 on the outstanding shares of its preferred stock, payable on the 28th day after the date of the order of the Commission permitting the payment of such dividend or on October 1, 1947, whichever date is later, to stockholders of record at the close of business on the 10th day after the date of such order (or if such 10th day is not a business day, the first business day following such 10th day) or on September 10, 1947, whichever date is the later; and

The Commission having heretofore instituted proceedings under sections 11 (b) (1) and 11 (b) (2) of the act with respect to Commonwealth and its subsidiaries; and

Commonwealth having filed a plan for compliance with such sections of the act, providing, among other things, for the liquidation of Commonwealth; and

Commonwealth having stated in the instant declaration that "The Board . . . recognizes that, in view of the pending proceedings, the 'Earned Surplus' account may be so qualified that, under the rules and practice of the Commission, payment of said dividend is subject to the requirement of Commission authorization under the provisions of section 12 (c) of the act and Rule U-46 in spite of the fact that, as authorized by section 34 of the Delaware General Corporation Law, the source of payment of such dividend under such Law is Commonwealth's net profits for the current and preceding fiscal years"; and

The instant declaration having been filed on July 30, 1947 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming that it would not be necessary or appropriate to deny effectiveness to the declaration under the standards of section 12 (c) of the act and Rule U-46 if it should be found that the proposed payment were to be made out of capital and that, therefore, it is unnecessary for the Commission to determine whether said proposed payment is being made out of capital; and

The Commission therefore deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective insofar as section 12 (c) and Rule U-46 are applicable to the proposed payment; and

Commonwealth having requested that the Commission's order be issued herein on or before August 30, 1947, and become effective forthwith so that Commonwealth may pay the proposed dividend not later than October 1, 1947, and the Commission deeming it appropriate to grant such request:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the act and subject to the terms and condi-

tions prescribed in Rule U-24, that the aforesaid declaration be, and the same hereby is, permitted to become effective forthwith, *Provided, however*, That this order shall not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code, *And provided further*, That Commonwealth accompany the dividend checks with a statement to the effect (1) that Commonwealth filed the declaration regarding the proposed dividend payment pursuant to section 12 (c) and Rule U-46 by reason of its uncertainty as to whether the "Earned Surplus" account may be so qualified that, under the rules of practice of the Commission, payment of the proposed dividend is subject to the requirement of Commission authorization under the act and the rules thereunder and that the Commission permitted the declaration to become effective without determining whether the proposed payment is being made out of capital and (2) that the Commission's action in permitting the declaration to become effective should not be construed as a determination that such dividend payment is or is not taxable to the recipient pursuant to the provisions of the Internal Revenue Code.

By the Commission.

[SEAL]

NELLYE A. THORSEN,  
Assistant to the Secretary.

[F. R. Doc. 47-7940; Filed, Aug. 25, 1947;  
8:45 a. m.]

[File No. 70-1210]

NORTH AMERICAN CO.

### ORDER PERMITTING AMENDED DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 19th day of August 1947.

The Commission having heretofore permitted to become effective a declaration filed by The North American Company ("North American"), a registered holding company, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("act") and the rules and regulations promulgated thereunder, regarding the issuance of Bank Loan Notes by North American to certain banks pursuant to a "Custodian Agreement" providing, among other things, for the pledge of certain common stocks held by North American as collateral for said Bank Loan Notes; and

North American having filed an amendment to its declaration whereby it proposes to effect a modification of the provisions of said Bank Loan Notes substantially as follows:

The holders of the Bank Loan Notes, outstanding in the amount of \$2,537,296.06 as of August 1, 1947 have agreed with North American to effect a modification of the loan so as to change it from a secured to an unsecured obligation. The terms of the modification provide for the elimination of the Custodian Agreement, as amended, and certain covenants



contained in the Bank Loan Notes, and the withdrawal of all collateral pledged to secure said Notes. It is further provided that the obligation of the banks to lend certain additional amounts to North American is discharged.

The Commission finding with respect to said declaration, as amended, that the requirements of the applicable provisions of said act and rules thereunder are satisfied, and the Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective:

*It is hereby ordered*, pursuant to the applicable provisions of the act and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant to the Secretary.

[F. R. Doc. 47-7943; Filed, Aug. 25, 1947;  
8:46 a. m.]

[File No. 70-1577]

PUBLIC SERVICE CO. OF OKLAHOMA ET AL.

#### NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 19th day of August A. D. 1947.

In the matter of Public Service Company of Oklahoma, Central and South West Corporation, The Lawton Corporation, File No. 70-1577.

Notice is hereby given that Central and South West Corporation, a registered holding company, its public utility subsidiary, Public Service Company of Oklahoma ("Public Service") and The Lawton Corporation ("Lawton"), a wholly-owned non-utility subsidiary of Public Service, have filed joint declarations pursuant to the Public Utility Holding Company Act of 1935. Said declarations designate sections 12 (c), 12 (d) and 12 (f) of the act and Rules U-42, U-43 and U-44 promulgated thereunder as applicable to the proposed transactions.

Notice is further given that any interested person may, not later than August 29, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law raised by said declarations which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after August 29, 1947, said declarations, as filed or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof.

No. 167—3

All interested persons are referred to said declarations, which are on file in the offices of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Public Service proposes to sell to Consolidated Gas Utilities Corporation ("Consolidated"), a nonaffiliated company which is neither a registered holding company nor a subsidiary of a registered holding company, all the gas production, transmission and distribution properties of Public Service (except gas property used by Public Service for the supply of gas to its electric generating plants at McAlester and Weleetka, Oklahoma, all of which is classified as electric utility property) for a base purchase price of \$2,737,071, payable in cash, subject to closing adjustments.

Lawton, which is engaged in producing and purchasing natural gas for sale to Public Service and producing and selling oil, has entered into a contract, which is dependent upon the sale by Public Service of its gas properties to Consolidated, to sell all of its physical properties to Consolidated for \$20,000 in cash, subject to closing adjustments. Upon the sale of its properties, Lawton proposes to liquidate and distribute its remaining assets, which will consist primarily of cash, to Public Service. Public Service will surrender the outstanding common stock of Lawton for cancellation.

The declarations indicate that data in respect of the gas properties was sent to ten prospective purchasers and requests made for bids. The bid of Consolidated was the highest bid received.

Public Service states that the sale of its gas utility properties is in compliance with the section 11 (b) (1) order entered by this Commission on February 16, 1945 and that it proposes to invest in electric utility plant or to expend, within twenty-four months from consummation of the proposed sale, the proceeds of such sale or amounts equivalent thereto, for such purpose or purposes specified in sections 371, 372 and 373 of the Internal Revenue Code as this Commission by subsequent orders may approve. Declarants, accordingly, request that the Commission's order permitting said declarations to become effective conform to the requirements of sections 371, 372 and 373 and 1808 (f) of the Internal Revenue Code, as amended, insofar as such sections are applicable.

Declarants state that no commission, other than this Commission, has jurisdiction over the transactions proposed by Public Service and Lawton and that Public Service has been informed that the proposed purchase by Consolidated is not subject to any regulatory authority.

Declarants request that the Commission's order permitting said declarations to become effective be issued as soon as practicable and become effective forthwith.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant to the Secretary.

[F. R. Doc. 47-7945; Filed, Aug. 25, 1947;  
8:46 a. m.]

[File Nos. 70-1596, 70-1597]

WASHINGTON RAILWAY AND ELECTRIC CO.  
AND THE NORTH AMERICAN CO.

#### NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the city of Philadelphia, Pa., on the 19th day of August 1947.

Washington Railway and Electric Company ("Washington Railway"), a registered holding company and a subsidiary of The North American Company ("North American"), also a registered holding company, having filed an application and declaration (File No. 70-1596) pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935 ("the act") and the rules and regulations promulgated thereunder regarding the issuance by Washington Railway of transferable Purchase Warrants ("Warrants") for the purchase by common stockholders of Washington Railway, of shares of Capital Stock of its subsidiary, Capital Transit Company ("Transit"); and

North American having filed an application (File No. 70-1597) pursuant to the applicable provisions of the act and the rules and regulations promulgated thereunder regarding the proposed purchase by North American of shares of Capital Stock of Transit under the provisions of the Warrants proposed to be issued by Washington Railway; and

It appearing to the Commission that the foregoing matters under File Nos. 70-1596 and 70-1597 are related and involve common questions of law and fact, and that the proceedings on such matters should be consolidated; and it further appearing to the Commission that it is appropriate that a notice of filing of said applications and declarations and the consolidation of these proceedings be issued pursuant to Rule U-23:

*It is ordered*, that the proceedings upon the applications and declarations filed by Washington Railway and North American be, and the same are hereby, consolidated; and

Notice is hereby given that any interested person may, not later than September 3, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the issues, if any, of fact or law raised by said applications and declaration proposed to be controverted, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such applications and declaration, as filed or as amended, may be granted as provided in Rule U-23 of the rules and regulations promulgated pursuant to said act, or the Commission may exempt such transactions as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania.

All interested persons are referred to said applications and declaration which are on file in the offices of this Commission for a statement of the transactions therein proposed, which are summarized below:



Washington Railway's application-declaration states that it proposes to issue on or about September 12, 1947, to holders of its Common Stock (other than North American) of record on September 8, 1947, transferable Warrants in bearer form, entitling such holders to purchase, at a price of \$20 per share, two shares of Transit stock for each share of Washington Railway Common Stock held, and to issue to North American Warrants which will entitle North American to purchase less than its proportionate share of Transit stock at the price of \$20 per share. North American has agreed to accept a lesser amount than it is entitled to, in order that Washington Railway may issue Warrants on a 2 for 1 basis to holders other than North American, thus avoiding cumbersome fractions in the exercise of such Warrants. Washington Railway's entire holdings, aggregating 120,000 shares of Transit stock (which represent 50% of the total outstanding) will be offered for sale under the proposed transactions.

Such Warrants will be of two kinds, Full Warrants, entitling the holder to purchase one share, or multiples thereof, of Transit stock, and Fractional Warrants which, when combined with other Fractional Warrants, will entitle the holder to purchase the whole number of shares of Transit stock called for in the aggregate by such Fractional Warrants. No fractional shares of Transit stock will be issued and the holders of Fractional Warrants can use the Warrants for purchasing such stock only by combining them with other fractional Warrants.

The privilege to purchase such shares of stock under the provisions of the Warrants will expire 30 days after the original issue thereof.

It is not anticipated that there will be any record date for determining holders of Transit stock entitled to receive any dividends or distribution on such stock during the period within which the Warrants may be exercised, but in the event there should be any record date the Warrant holders who have exercised their Warrants and have become stockholders of Transit at the time will be entitled to such dividend or distribution.

Washington Railway proposes to apply the net proceeds to be received from the sale of the Transit stock, together with other treasury funds, toward the payment, without premium, of its bank loan notes, outstanding in the principal amount of \$2,800,000.

Washington Railway represents that the proposed transactions are essential steps in the carrying out of its Amended Plan under section 11 of the act, approved by order of this Commission, dated May 15, 1947 (Holding Company Act Release No. 7410) and by order of the District Court of the United States for the District of Columbia, dated June 16, 1947.

Washington Railway designates sections 6 (a), 7, 12 (c) and 12 (d) of the act and Rules U-23, U-42, U-43, U-44 and U-50 promulgated thereunder as applicable to the proposed transactions, and

requests that the proposed sale of the Transit stock be exempted from the provisions of such Rule U-50.

Washington Railway further requests that the Commission in its order approving the proposed transactions, recite appropriate statements, conforming to the requirements of Supplement R of Chapter 1 and 1808 (f) of Chapter 11 of the Internal Revenue Code, as amended, that the proposed transactions are necessary and appropriate to effectuate the provisions of section 11 (b) of the act.

North American, in its application, states that it proposes to exercise its rights under the provisions of the aforesaid Warrants to purchase an aggregate of 93,655 shares of Transit stock at the price of \$20 per share, and in addition will enter into an agreement with Washington Railway, under the terms of which North American will agree to purchase at \$20 per share all of the shares of Transit stock not purchased by others.

North American represents that it is the beneficial owner of 79.74% (51,827.8 shares) of the outstanding common stock of Washington Railway and that the proposed transactions are part of the general program of Washington Railway to consummate its Amended Plan filed pursuant to section 11 (e) of the act and approved by the aforesaid order of the Commission dated May 15, 1947.

North American has designated sections 9 (a) and 10 of the act and Rule U-23 as applicable to the proposed transactions by it.

It is further ordered, That the Secretary of this Commission shall serve notice of the aforesaid notice and order by mailing a copy thereof to Washington Railway and North American by registered mail, and that notice be given to all other persons by publication of this notice in the FEDERAL REGISTER.

By the Commission.

[SEAL]

NELLYE A. THORSEN,  
Assistant to the Secretary.

[F. R. Doc. 47-7942; Filed, Aug. 25, 1947;  
8:46 a. m.]

[File No. 70-1599]

STATEN ISLAND EDISON CORP.

NOTICE OF FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 19th day of August 1947.

Notice is hereby given that a declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act") by Staten Island Edison Corporation ("Staten Island"), an indirect subsidiary of General Public Utilities Corporation, a registered holding company. Declarant has designated sections 6 (a) and 7 of the act as applicable to the proposed transaction.

Notice is further given that any interested person may, not later than September 4, 1947, at 5:30 p. m., e. d. s. t., request the Commission in writing that a hearing be held on such matter, stating

the reasons for such request, the nature of his interest and the issues of fact or law raised by said declaration which he desires to controvert, or may request that he be notified if the Commission should order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia 3, Pennsylvania. At any time after September 4, 1947 said declaration, as filed, or as amended, may be permitted to become effective as provided in Rule U-23 of the rules and regulations promulgated under the act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof.

All interested persons are referred to said declaration which is on file in the offices of this Commission for a statement of the transaction therein proposed, which is summarized as follows:

Staten Island proposes to issue and sell for cash at principal amount to four commercial banks an aggregate of \$500,000 principal amount of notes which will mature on April 1, 1948, and will bear interest at the rate of 1½% per annum. The net cash proceeds of the sale of the notes are to be used for construction requirements of the company.

Declarant states that the transaction is not subject to the jurisdiction of any commission other than this Commission.

Declarant requests that the Commission enter its order so as to permit consummation of the proposed transaction not later than September 5, 1947.

By the Commission.

[SEAL]

NELLYE A. THORSEN,  
Assistant to the Secretary.

[F. R. Doc. 47-7941; Filed, Aug. 25, 1947;  
8:45 a. m.]

## DEPARTMENT OF JUSTICE Office of Alien Property

AUTHORITY: 40 Stat. 411, 55 Stat. 839, Pub. Laws 322, 671, 79th Cong., 60 Stat. 50, 925; 50 U. S. C. and Supp. App. 1, 616, E. O. 9193, July 6, 1942, 3 CFR, Cum. Supp., E. O. 9567, June 8, 1945, 3 CFR, 1945 Supp., E. O. 9788, Oct. 14, 1946, 11 F. R. 11981.

[Vesting Order 9639]

PETER A. KLOBER

In re: Estate of Peter A. Klobner, deceased; File No. D-28-11605; E. T. sec. 15817.

Under the authority of the Trading with the Enemy Act, as amended, Executive Order 9193, as amended, and Executive Order 9788, and pursuant to law, after investigation, it is hereby found:

1. That Johannes Klobner and Elizabeth Klobner, whose last known address is Germany, are residents of Germany and nationals of a designated enemy country, (Germany);

2. That the issue, names unknown, of Johannes Klobner, who there is reasonable cause to believe are residents of Germany, are nationals of a designated enemy country, (Germany);

3. That all right, title, interest and claim of any kind or character whatsoever of the persons identified in subparagraphs 1 and 2 hereof, and each of



them, in and to the estate and the trust created under the will of Peter A. Klobber, deceased, is property payable or deliverable to, or claimed by, the aforesaid nationals of a designated enemy country, (Germany);

4. That such property is in the process of administration by Nellie K. Cooper, as executrix and trustee, acting under the judicial supervision of the Surrogate's Court of Passaic County, State of New Jersey;

and it is hereby determined:

5. That to the extent that the persons identified in subparagraph 1 and the

issue, names unknown, of Johannes Klobber, are not within a designated enemy country, the national interest of the United States requires that such persons be treated as nationals of a designated enemy country, (Germany).

All determinations and all action required by law, including appropriate consultation and certification, having been made and taken, and, it being deemed necessary in the national interest,

There is hereby vested in the Attorney General of the United States the property described above, to be held, used, administered, liquidated, sold or other-

wise dealt with in the interest of and for the benefit of the United States.

The terms "national" and "designated enemy country" as used herein shall have the meanings prescribed in section 10 of Executive Order 9193, as amended.

Executed at Washington, D. C., on August 13, 1947.

For the Attorney General.

[SEAL] DAVID L. BAZELON,  
Assistant Attorney General,  
Director, Office of Alien Property.

[F. R. Doc. 47-7963; Filed, Aug. 25, 1947;  
8:48 a. m.]



